MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

PRESIDENT: It has been moved and seconded that in Clause 1, sub-clause (1), the figure 1112 substituted for thefigure 111.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as now amended be passed.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): I second it.

The motion was put to the vote of the House and carried and the Bill was passed.

THE TRAVANCORE TRADE UNIONS BILL.—(*contd.*)

Clause 14.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yesterday I have moved that in Clause 14, the sub-clause (2) be delete. By moving that amendment what I wanted to achieve was to restore the Bill to its original position as it was introduced by Government and as it exists in British India and elsewhere. I wish to point out that the amendment that was made in the Select Committee was a very strange amendment and I also contend that the Select Committee had gone beyond its powers and against the principles enunciated in the Bill as shown in the statement of objects and reasons. Yesterday I was not able to lay my finger on the exact wording in the statement of objects and reasons, wherein it has been stated as a matter of principle that this Bill or this legislative measure is a purely permissive one. Against that principle of the Bill being purely permissive now what is sought to be enacted is to make it compulsory for the Unions to be registered and to put a penalty upon all organisations that do not get themselves registered. I wish to refer to the exact portion of the statement of objects and reasons, as it appears. It is stated :—

> "The legal position of Trade Unions which do not register, whatever it is, will be unaffected by this measure. In other words, the measure is purely permissive."

There is a clear assurance given by the Law Member. It is in the face of this assurance and in accordance with this Principle that this House accepted the general principle of the Bill and sent it on to the Select Committee. I contend that the Select Committee was not competent to go beyond this clear direction and make it compulsory for all Trade Unions to get themselves registered if they wanted to exist. I further contend that according to the Preamble of the Bill this is a Bill to provide for the registration of Trade Unions; "*to provide for*" and not to compel, "and in certain respects to define the law relating to registered Trade Unions in Travancore". Both these objects have been violated. It is not a provision for the registration of Trade Unions but it is a restriction on the existence of any organisation by workers without getting themselves registered that has been enacted. By an amendment to Clause 30 (1) it has been incorporated :—

> "Whoever in contravention of the provisions of Section 14, sub-section (2), forms any Trade Union or takes any part in the functions of any Trade Union shall fore every such act be punishable with fine which may extend to five hundred rupees."

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Kunjukrishna Pillai.]

That is a clear provision dealing not with registered Trade Unions but with those that have not been registered. This is a point that I raised at the time of the Select Committee sittings. But the point was overruled. I wish to submit to this House and to you, Sir, that this must be considered to be in excess of the powers conferred upon the Select Committee by this House. A similar question arose in the Legislative Assembly during the discussion of the Trade Uunions Bill and the question was decided as to whether the decision of the Chairman of the Select Committee was final. It has been ruled that the Chairman of the Select Committee is not the final authority and that it has to be decided by the President or whoever presides in the open session of the House. I am referring to page 380, Volume VII of the Legislative Assembly Proceedings.

PRESIDENT: In regard to what Union?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): In regard to Trade Unions. May I say one word, Sir. I hvae contended—I do not wish to contend anything else—that the question whether an amendment is outside the scope of the Bill or not is a matter for decision by anybody but you, Sir. That is my whole point. I say that is a decision for you entirely, but I do also urge this point for your consideration, namely, that it is not open to a Select Committee to enlarge the scope of a Bill without a direction from the House.

In the legislative Assembly Proceedings it is stated thus:—

> "Mr. R. K. Shanmukham Chetty: With reference to the point raised by the honourable the Home Member, I should like to know from you, Sir, whether it is within the scope of the Chair to say whether a Bill as it has emerged from the Select Committee has gone beyond the original scope of the Bill. My contention is that if an amendment is made by a Select Committee which goes beyond the principles of the Bill, it is for the Chairman of the Select Committee to rule that out of order and not for the Chair.
>
> Mr. President: The final decision in a case of that kind always rests with the Chair here in this House. The matter has been sufficiently discussed and I will put the question now".

It has been finally ruled that the ultimate decision regarding a question of this kind rests with the Chairman of the Assembly in the open session and not with the Chairman of the Select Committee. Sir, I contend that this alteration clearly goes beyond the principle enunciated in the Bill and the scope of the Bill as seen from the Preamble. First of all it not merely provides for the registration of Trade Unions but it restricts and compels that there should be no organisation of labourers if it could not get itself registered. Secondly, it is intended only to legislate for registered Trade Unions. This Bill goes beyond that and imposes penalties in regard to Trade Unions which have not been registered. Thus the scope is extended and provides penalty for Trade Unions that have not been registered. I will go to the merits of the Bill only if it is necessary. If you rule that the provision is in excess of the powers of the Select Committee I need not take the time of the House in discussing the merits of the amendments. Therefore I await your ruling.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I quite agree that the President is the final authority. But the question to be decided is whether the amended provision is within the scope of the Bill or not. That is a matter of opinion. The Chairman of the Select committee, Mr. T. K. Velu Pillai, apparently thought that it was within the scope of the Bill. He is an experienced Chairman and his opinion is worthy of consideration. If I may say so, I also am of the same opinion. If the provision is within the scope of the Bill, it is in order.

PRESIDENT: The point raised is an important one; but I had been warned of the possibility of the point being raised and I am armed with the necessary authority. It will be observed that the honourable member in raising the question before the House stated that the Law Member, in the course of his remarks on the Bill, referred to certain matters and stated in the course of those remarks that the Bill would be permissive. Now the speeches made by the spokesman of the Bill are important in the matter of the scope and character of the Bill. But that should not be treated as conclusive or decisive. The prime criterion in that decision is the object of the Bill as indicated in the terms of the Bill itself. Now turning to the Bill itself it will be seen from the Preamble which is as follows:— "Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in Travancore". The object was to provide for registration. The question whether that provision for registration would be universally applicable or applicable only to certain categories of Trade Unions is therefore not foreign to the purpose of the Bill as adumberated by the Bill itself. It is true that great attention should be paid to the manner in which the Bill is presented to the House. I may add that turning to the analogies we find in May's Parliamentary Practice, page 404, the following:

> "Amendments may be made in every part of the bill, whether in the preamble, the clauses, or the schedules; clauses may be omitted, and new clauses and schedules added; though no amendments can be moved to the granting or enacting words of bills for granting aids or supplies to the Crown, or to the enacting words of other bills. Those words are part of the frame work of the bill and are never submitted to the committee.
>
> An amendment must be coherent, and consistent with the context of the bill; and when a proposed amendment had been so amended as to form an incoherent question, the chairman stated that if no further amendment were proposed, he should proceed with the question which next arose upon the clause".

Now the test therefore as laid down in Parliament is that the amendment should be coherent and consistent with the context of the Bill. Judged by that test, although it is perfectly true that it goes beyond the statement made by the Law Member in presenting the Bill to the House, I hold that this amendment is coherent and consistent with the context. Therefore I rule that the proceedings of the Select Committee have not been *ultra vires* of the Select Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Then I proceed to the merits of my amendment which seeks to take away the provision incorporated at the Select Committee stage into this Bill. It need

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Kunjukrishna Pillai.]

only be pointed out that if my amendment for the deletion of this provision is not accepted, in Travancore no Trade Unions can exist unless they are registered. If somebody of workers is not competent enough or able to get themselves registered, then they will be denied the ordinary, that is, the elementary right of combining themselves to put forward their grievances. Sir, it is the infringement of a fundamental right enjoyed by every section of the people of the State. This amendment seeks to do away with that right in the case of labourers employed in factories or in any industrial concerns. I do not think much argument is necessary to point out the iniquitous nature of this restriction. Sir, one can understand if certain privileges were conferred by the Bill only on registered Trade Unions, which are willing to accept the responsibilities and restrictions imposed by it. But an association of people who are not willing to get themselves registered and who are not keen on getting the benefit conferred upon them by this Bill should not be compelled to get themselves registered, And if any body of people gather together to ventilate their grievances. that should not be visited with a penalty of Rs. 500. In British India the fight was the other way. The proceedings of the legislatures there, will make it clear. In British India what the non-officials wanted was that even to those Trade Unions which were not willing to get themselves registered the benefits of the Bill should be conferred. That was of course vetoed and the arguments advanced by the Government Members who were responsible for the Bill were that he who is not willing to take the responsibility of registration should not claim for the privileges conferred by the Bill. Well, Sir, that argument, one can understand. But it is very difficult to understand the position taken by the sponsors of this amendment in this Bill which says "Even though you are not keen on getting the benefits conferred by this Bill you shall not exist unless you are registered. You must register if you want to exist. You should get yourselves registered or else you should not combine yourselves. "That is a very serious restriction imposed on a poor ordinary citizen, imposed on industrial labourers and people who form Trade Unions.

Sir, by the proviso to this sub-clause a term of 3 months is given for an association to get itself registered after which it will have no legal existence. The serious nature of the effects of this amendment will have to be comprehended when it disposes of this amendment. I wish to point out that there are very many Trade Unions or Labour Associations functioning in the State. I do not say many of them will not be willing to register themselves. There are small associations of workmen who are employed in small industries and whose number will not be great and there may be difficulty to provide for the necessary audit and other obligations imposed upon by this Bill and who may have nothing by way of funds to insist on any such demands but may be allowed to combine together with a view to express their grievances.

LIBRARY ARCHIVES Kerala Legislative Assembly

Sir, every other association in the State is allowed to function without this penalty of punishment even if it isnot registered. There are communal organisations, religious organisations, and various other types of organisations that are allowed to function without any restriction; and I cannot see for a moment what is it that makes it obligatory on the part of labourers to register their associations and that unless they register their associations they should not be allowed to work and that if they work they will be visited with a punishment which may range up to Rs. 500 fine. This is a very important matter so far as the rights of labourers are concerned. I know Sir, that it may be said that it is in the interests of labour to make this compulsion and say that the labourers are ignorant people and if they combine and form associations they may easily fall a prey to exploitation and their funds may be swindled if sufficient safeguards are not provided; and so they must be compelled to get the benefit of registration. This argument is in favour of registering other associations as well. If there was such a law, then, I can understand. Labour in Travancore cannot be said to be less enlightened than labour in British India. As a matter of fact a labourer here knows his rights much better than his brother in British India with regard to money or any other privileges, In British India they did not think it necessary to put this provision in their legislation. We are trying to bring this legislation in conformity with the legislation in British India. Sir, I repeat with emphasis that this will be an unnecessary restriction on the rights of the people.

(At this stage the Deputy President took the Chair.)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know from the member how many Trade Associations are now functioning in Travancore?

MR. K KUNJUKRISHNA PILLAI (*Quion I*): I have not got the statistics.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Approximately?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I know of only 4 or 5 associations working in the State now. But my knowledge is limited. I know an association in Quilon and, a few working in Alleppey. But Sir, associations may crop up in the near future. Labour is advancing. The country will advance industrially. Labour associations will become necessary in the very near future. Sir, we must all bear in mind that this Bill is one to provide for the existing circumstances as well as for the immediate future which may bring in important alterations in the industrial condition of the State. It has been stated that in the Cashew Nut Industry alone about 40,000 labourers are employed. That is the figure given by the employers themselves. If you take other industries also into account you will see that there is a very large number of industrial labourers in Travancore and it is fast increasing.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. Kunjukrishna Pillai.]

It is not merely on the basis of expediency that I put forward this amendment. Sir, I ask the question seriously. What is the justification in denying the right to combine for labour when every other section of the population is given that right? What is wrong with labour? Do you think that a labourer is one who does not know his interests or responsibilities? There are other organisations of people who are more liable to be deceived. But such organisations are allowed to combine themselves without going through the formality of getting themselves registered.

MR. K. C. KARUNAKARAN (*Nominated*): MayI know from the member whether the compulsion in the legislation would not apply to the employers as well?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): It is very clear from the terms of the Bill. Sir, the volume of opinion from labour organisations and those who are interested in labour show that this compulsion should be taken away. Because if the employers are willing to have a chain round their neck, it does not necessarly follow that labourers also should be willing to do that. Moreover, there will be no difficulty so far as employers are concerned, for registration. The only labour organ "Thozhilali" in a leading article has appealed that this provision should be deleted. The labour association met at Quilon and passed resolutions that this restriction should be taken away.

MR. P. S. MAHOMED (*Co-opted*): ആ മീറ്റിംഗിൽ അധ്യക്ഷസ്ഥാനം വഹിച്ചതു് മെമ്പർ തന്നെയാണോ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, I presided over that conference I directed them in their deliberations, to get this restriction taken away from the provisions of the Bill as it affects the elementary right of labourers.

DEPUTY PRESIDENT: Whether Mr. Kuniukrishna Pillai was the person who presided over that meeting is not very necessary for the progress of the debate.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, so far as the employers are concerned, they have got sufficient funds and they have got the ability to get themselves registered. Some small labour organisations may have to combine themselves occasionally only. For that they should not go through all the formalities of registration incurring heavy expenditure and troubles. They may combine to ventilate a particular grievance only. This right is denied to them by this clause in the Bill.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether a Trade Union has to pay fees for getting itself registered?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That is determined later on when the Bill becomes law. But under any circumstances, they will have to incur expenditure. I am speaking of an association which is not in a position to go through the formalites on account of sheer inability. Such an association, in my humble opinion, should not

LIBRARY ARCHIVES Kerala Legislative Assembly

be denied the ordinary privileges enjoyed by every other section of the society.

MR. K. C. KARUNAKARAN (*Nominated*): May I know whether compulsory registration would not safeguard the funds of such Unions?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, the benefits conferred by the legislation on Trade Unions are very clearly seen from the provisions. It does not require an answer from me that the Trade Unions if they get themselves registered would get various benefits. What I submit is that a body of people who are not capable of discharging their obligations and to take up the responsibility are proposed under the Bill to get themselves registered. Why should they be compelled by enacting that "you must get yourselves registered?" How can that be justified? Why should an association be denied the right to function occasionally? I again ask what is wrong with labour peculiarly in Travancore? Why should this spoon-feeding be considered necessary so far as labour in Travancore is concerned? Sir, it is not by suppressing the organisation of labour specially organised among labourers to focus their opinions and ventilate their grievences that the interests of labour are to be safeguarded. So much for the contention that this provision is for the benefit of labour. Registration can, no doubt, benefit well-organised Trade Unions. But they may be very few in number and the majority of the Trade Unions that may come into existence will be handicapped by the provision in the Bill. Moreover, Sir, this provision will make this legislation unnecessarily restrictive and make us the laughing stock of the world.

Sir, there is no parallel to this anywhere. I hope the House will have no hesitation in throwing out this Clause and make it as it was when it was sent to the Select Committee. Whatever be the technical point of view Sir, I submit that the House will take notice of the fact that the Select Committee should have given greater consideration to the clear direction from this House. The House was assured not by speech but by a printed statement in very clear terms that the Bill is going to be only permissive. With these few words I move my amendment and request that this sub-clause may be deleted.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I second the motion. In seconding it, Sir, I may be permitted to speak a few words now, as otherwise I may not get an opportunity afterwards. Sir, when this Bill was introduced it was not introduced with the object of hampering the progress and development of labour in this country. It was not introduced as a single Bill but along with a group of other Bills relating to the preservation and growth of liberty of labour, Labour we thought was sought to be protected by the enactment of this legislation as a preliminary to the proposals made by Government for the purpose of protecting labour organisations in the country, thereby giving an impetus to the industry in the State. Therefore, this Bill was brought along with the Workmen's Compensation Act, Trade Disputes Act and Trade Unions Act. The Select Committee passed this Bill with the object of affording protection to labour. It would appear later on

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Puthupalli S. Krishna Pillai,]

that some provisions underwent certain changes. In the Preamble al that is stated is as follows :—

> "Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in Travancore ;"

It is clearly stated that the object of the Bill is to provide for registration and not to compel registration. Let us see whether there is any similar provisions in any of the analogous enactments elsewhere. The Trade Unions Bill was enacted in England in the year 1871 when Parliament thought it fit to protect labour. But they did not bring the Bill with a similar provision saying that no Trade Unions can be formed without getting themselves registered. But there it was stated clearly that if a Trade Union comes within the scope of the Bill it would be protected from prosecution from civil and criminal courts. That was the inducement offered to the labourers in order that they might seek the protection of the law. The enactment then did not think of prosecuting any person who might discharge or might be deemed discharging the functions of Trade Unions. The British Indian Trade Unions Act of 1926, the progenitor of the present Bill, does not contain any provision similar to clause 14(*b*) or the penal provision which follows in its wake. Let us look into the penal Clauses in the Bill. Clause 30 sub-clause (1) reads thus :—

> "Whoever in contravention of the provisions of Section 14, sub-section (2) forms any Trade Union or takes any part in the functions of any Trade Union shall for every such act be punishable with fine which may extend to five hundred rupees."

Now, what are the functions of the Trade Unions ? They are contained in Clauses 6 and 15. It is very clear that some of the functions of Trade Unions are very innocent and most of them are also absolutely necessary. It is said "the compensation of members for loss arising from trade disputes." Now we need not take into account big Trade Unions. Let us take the case of 5 or 10 labourers employed in a factory joining together for the purpose of mutual help and claiming recognition of the rights to make contributions to disabled workmen or to unemployed workmen and such other remunerative help of a domestic nature. To say that this association should also be registered on pain of payment of a fine up to Rs. 500 by each member is beyond the comprehension of any sensible labour legislation. Sir, I pointed out a specific case of 10 persons joining together legitimately in a scheme which is consistent with the elementary objects and functions of Trade Unions. Sir, are we not preventing the growth of labour institutions in the country rather than helping it if such associations are brought under the restriction contemplated in the Clause ? Would any person employed in a small factory hereafter ask his master "I want more wages" or any other concessions ? Would any man come forward to support him ? This Clause will be an effective check on the natural claims and demands of labour. Why these quarantine rules and sick-bed regulations for Trade Unions ? What is the function of the Trade Unions but to keep up the scale of wages and to arbitrate so that capital and labour may go hand in hand for the good of the State.

LIBRARY ARCHIVES Kerala Legislative Assembly

Now, Sir, let us take the case of the labourers employed in a factory. Suppose, under really hard conditions, they claim enhanced wages, or that the number of hours of work shall be reduced. Let us take it that they meet together for the purpose. All that their employer, the factory owner, the capitalist, has to do to prevent them is to phone up the Police Inspector and tell him 'Here are a dozen fellows doing the functions of a Trade Union under the Trade Unions Regulation; they have not registered themselves into a Trade Union; they must be hauled up.' Sir, a more deadly provision cannot be thought of. I can understand such a provision in a country where the labour organisations have become Terrorist Unions and the public interest demands that they shall be annihilated or kept under control. If we had such a situation here, certainly we should have a punitive provision, a restrictive enactment, to enable the Government to keep the labourers under control. But, we do not have any such problem now in Travancore. This provision is therefore unnecessary and out of place.

I challenge the Law Member, Sir, to point out any enactment in British India, in any Indian State or in England, where there is such a compulsory provision. Why should such wisdom dawn upon us alone in Travancore? Sir, there must be some reason why such a provision has not been enacted anywhere else. Is there any special reason why we should have it here? The Select Committee report does not throw any light on the matter. One is at a loss to find out why this curious provision was inserted by the Select Committee.

I would also submit, Sir, that we would be going a bit out of the way in retaining this provision in the Bill. The presence of it in this Bill and the absence of it in every other Trade Union enactment, makes it very conspicuous. It will lead the people outside to think why we in Travancore have chosen to enact such a provision. If a few people want to meet together for their common ends, let them do it. Why stand in their way? If they do not get their associations registered, they would not be entitled to any of the benefits of this measure. They would not get any protection. Anybody could prosecute them, could sue them. No one would render them any assistance. No one would co-operate with them. Why should we say that no Trade Union shall exist in this country unless it is registered? Let us not say so.

With these words, I support the amendment.

(At this stage the President took the Chair.)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, when I introduced this Bill, it was my idea to make the registration purely permissive; and left to myself, I would have let it stand like that. However the matter was very carefully considered by the Select Committee. I am not privileged or entitled to refer to what actually took place there. But I may say that this provision has been incorporated in view of the opinion of the majority in the Select Committee.

Sir, on the merits perhaps, there are two sides to the question. Let me make it clear that when I advert to both the sides of the question, I am not either supporting the amendment or opposing it.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. Kayalam Paramesvaran Pillai,]

I am quite content to leave the matter entirely in the hands of the House. In Travancore, Sir, there are not many trade combinations yet. We are not trying to take hold of the situation at a very early stage. If we had a number of trade unions actually working in the country, and if we now provide that if they want to function they must all get themselves registered, that would be a substantially restrictive provision. Mr. Kunjukrishna Pillai the mover of the amendment himself admitted that there are only 4 or 5 associations now in the country.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : What I said was that there were only 4 or 5 associations *so far as I knew*; and I supplemented that statement by saying that I knew of labour conditions only in Quilon and in Alleppey.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, Sir; but I would attach some value to his knowledge of these matters. Even when I introduced the Bill I quoted in support a resolution passed at a meeting presided over by the honourable member. The assertion has been made to-day also that he was presiding over an important labour meeting. I do not for a moment doubt his knowledge in these matters.

Anyhow, Sir, it is a fact that we have not got many associations yet. That is one factor. Again, those who represent labour in this House seem to be in favour of a provision for compulsory registration of these associations. It must also be remembered that in the future these Trade Unions will have to play a very important part in settling differences between labour and employer, so that it is only desirable that all such associations are brought under control as early as possible even in their infancy, if I may so put it, and for that reason are compelled to get themselves registered and are thereby given a recognised status, and attendant privileges It is only then that they will turn to right lines and achieve their ends. That is one side of the question.

I can very well understand, Sir, the argument put forward by Mr. Kunjukrishna Pillai and Mr. Puthupalli Krishna Pillai that people must not be deprived of their elementary right of meeting together for common purposes. Mr. Puthupalli Krishna Pillai went to the extent of suggesting that even if the labourers asked for more wages, they would be liable to punishment under this Bill, unless they had previously registered themselves into a Trade Union as provided by in the Bill. I do not agree that that follows at all. If that was his only fear he could have proposed a suitable amendment to the provision which he now seeks to delete. There is no doubt however, Sir, that theoretically, the provision is objectionable; and such objection did weigh with me when I introduced the Bill. This is the other side of the question.

Now, Sir, the point therefore, for the consideration of the House, is whether this provision for compulsory registration will really hamper the growth of trade associations in the country or the growth of healthy labour organisations in the country. If the House thinks

LIBRARY ARCHIVES Kerala Legislative Assembly

that it will, then they must accept the amendment. If on the other hand they consider that this provision will only tend to give a recognised status and all the attendant benefits the House must throw out the amendment.

So far as the Government are concerned, they propose to remain neutral on the question.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is the Law Member in a position to point out a similar provision in any other similar enactment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir. I may however add that the Royal Commission on labour seems to suggest that it would be far better to have some such provision. They suggest that an association which objects to get itself registered cannot be a *bona fide* association. We are not of course bound by their opinion. As I said, I am merely putting both the sides of the question.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Apart from the theoritical considerations, does the Law Member think that this provision is likely to lead to any practical disadvantage to the labouring classes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as I can see, there is none. I am waiting for enlightenment from the House.

MR. K. C. KARUNAKARAN (*Nominated*): I rise to offer a few remarks on this important question. When the honourable the Law Member asked the leave of the House to introduce this labour legislation, I fought very vehemently on this point, namely, that this measure should be a compulsory one and should not be merely permissive. In the statement of objects and reasons, although the Law Member said that this was a purely permissive measure, he has also said—

> "But in view of the important privileges..... conferred upon the registered Trade Unions by this measure, and in view of the disabilities of unregistered Trade Unions..... ..labour and trade in Travancore will find it to their advantage to register themselves under this measure in spite of certain obligations imposed upon them by reason of such registration."

That shows, Sir, that the Law Member recognises the fact that these Unions stand to benefit greatly by getting themselves registered, by subjecting themselves to some kind of control. My friends, especially Mr. Kunjukrishna Pillai, said—he even challenged the Law Member—that no other similar enactment contained a provision like this. Mr. Puthupalli Krishna Pillai also challenged the Law Member and asked him to point out a similar provision in any other legislation relating to Trade Unions. Even on the last occasion when the Bill was before the House, I pointed out that, although the British Indian enactment was purely permissive, the British and the Dominion legislations were compulsory. It is on that basis that I said, when the Law Member introduced this Bill, that this important change should be made in the Select Committee, and the Select Committee should have

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. C. Karunakaran,]

powers wide enough to do that. That was the idea with which the Select Committee approached this problem and, by a vast majority, introduced this provision.

This House will admit, Sir, that Alleppey is the most important industrial and commercial centre in Travancore. We, in Alleppey, have some experience, during the last 12 or 16 years, of unregistered Trade Unions. It was as a result of such experience that even on the last occasion I pleaded on the floor of this House for the compulsory registration of these associations. Sir, the very fact that the Travancore Labour Association which came into existence about 15 years ago still remains unregistered even though there are facilities for registration under the Joint Stock Companies Regulation, will go to show that these labour associations will always like to work without any control from Government or any other recognised bodies.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask whether the member is aware that the labour association applied for registration and the Government refused it?

MR. K. C. KARUNAKARAN (*Nominated*): I know that they applied for registration about 18 months ago and the Government refused it on the ground that the Trade Unions Regulation will be coming into force very soon.

Even a superficial study of the history of the Travancore Labour Association will show that the elements at the bottom of these associations will always fight against any control by anybody. Sir, as long as outside elements are not wiped out there will be no safety and peace in the industrial areas. I am prepared to accept this permissive principle with regard to the formation and organisation of Trade Unions provided the Law Member can guarantee that the outside element will be completely cut down. As long as we allow at least five or ten per cent. of outside element to go and guide the work of these associations, it will be a very dangerous thing for the industrial areas particularly and for the whole of Travancore generally. My experience during the last ten years with the "*Thozhilali*" and other publications carried on by the Travancore Labour Association is that they are very dangerous elements. There must be a statute for the compulsory registration of these Trade Unions. My friend Mr. Janardhanan Pillai has given notice of an amendment to Section 21 in which he says that the outside element should not be more than 25 per cent. If this House can accept that amendment then I do not want to stand in the way of the amendment of Mr. Kunjukrishna Pillai. He expects that great good will come to the Trade Unions if outside elements are admitted. The present unregistered labour associations are really platforms to the socalled leaders. Sir, I am not opposing or supporting the amendment of Mr. Kunjukrishna Pillai. I only wanted to say these few words in the belief that if this amendment is passed, the House will carefully tackle the amendment of my friend Mr. Janardhanan Pillai.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. J. W. TOLSON (*Travancore Planters*): Sir, I have very great sympathy with the amendment moved by the honourable member Mr. K. Kunjukrishna Pillai and I would not like to see the Trade Union movement in Travancore delayed or prevented through this Clause being passed by the House.

This House must judge and if it considers that this Clause is one which may injure Trade Unions then I hope that they will pass the amendment.

Travancore wishes to attract industry and for the benefit of trade, healthy Trade Unions are necessary. Trade Unions will survive in Travancore inspite of any control exercised by Government; they are necessary and of vital importance.

There is one thing I will ask the Trade Union leaders to remember and that is that differences can be very easily got over if they discuss the question with the employers instead of causing unnecessary strikes of benefit to no one.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is it the member's view that for the purpose of a bargain a registered Union is in a better position than an unregistered Union?

MR. J. W. TOLSON (*Travancore Planters*): A registered Union is an incorporate body whereas an unregistered Union has no recognition.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I ask the honourable member whether he thinks it necessary to penalise an unregistered Union?

MR. J. W. TOLSON (*Travancore Planters*): In my opinion a Trade Union must be formed according to the Rules and Regulation. The Trade Unions are there not only for their own interest but also for the benefit of members.

MR. M. L. JANARDHANAN PILLAI (*Co-opted*): Sir, I rise to oppose the motion. In doing so, I wish to tell the House that at a joint sitting of the Travancore Chamber of Commerce and the Alleppey Chamber of Commerce at which representatives of European interests were also present, a resolution was passed to the effect that I should represent to this House that the registration of Trade Unions must be made compulsory or else the Regulation will have but little value and the work-people will be victimised and exploited by non-registered unions. I think I am right in voicing the opinion of these two chambers of commerce which certainly represent the bulk of the trades and industries in this State. Travancore is not in an advanced industrial condition. It is therfore my view that all industrial legislations should be carried on with considerable care. After all what does this Bill aim at? The Bill is telling the workers in so many words 'Look here, you can organise on certain lines, we will tell you how to do that, and we will also give you certain privileges, provided you come within the provisions of certain Rules and Regulations'. Nobody can be against that. By all means we the employers are prepared to do our best for the workmen; only, we want them to be responsible bodies.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. L. Janardhanan Pillai,]

The question I ask is where is the objection against registration when the employers are themselves earnest in ameliorating the condition of the workers. I have heard it said in this House that this Bill will make it impossible for half a dozen people to join together for their legitimate pursuits and for ventilating their grievances and so on. I would ask the indulgence of this House to read the definition of the term "Trade Union".

> "Trade Union" means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business.

I ask, Sir, whether it is possible for *any* organisation in this country to impose *such restrictive* conditions on the conduct of *any trade or business*.

That is the main function of the Trade Unions and that is why the employers say that we should not leave these Trade Unions into the hands of people who have their own axes to grind, and who do not want to take up responsibilities. It is quite easy for any man who has no stake in the country, who has no stake in commerce and industries, to get together a number of men, organise them into an unregistered Union and create any amount of trouble and dissolve it the next day and yet be outside the ambit of the Regulation. Considerable stress was often made on Clause 17 *viz.*, that if any unregistered Trade Unions do any acts which would cause damages it is open to employers to claim damages from them through the civil courts. What I ask the House is, is that possible? Suppose one man takes it into his head purely for his own personal and selfish reasons to organise a Trade Union, only in name and comes to factories and incites a number of workmen to strike without sufficient reason, and creates any amount of trouble and loss to the owner of a business, and if it happens to be a unregistered Union, I ask, should the owner of the factory go to a law court to get his damages? Is it conducive to trade? Is it conducive to the commercial and industrial prosperity of this country? It has often been said that both here and elsewhere and in the various speeches made by the Dewan that discipline is the essential requisite for the successful carrying on of industrialisation of a country. What does this registration mean? It means merely this *viz.*, the employer is quite willing to accept an institution which is registered, which is disciplined, which is subject to control and supervision by Government. What is important is that the employers do not want to give importance to an unregistered Union and allow it to do all havoc to trade and industry. It is quite possible for a Trade Union to appear to-day and disappear the next day. It is for that reason I oppose this amendment. All the European firms represented in the Travancore Chamber of Commerce, all the Indians represented in the Alleppey Chamber of Commerce and all sensible and responsible commercial opinion is unanimous in thinking that unless the Unions are registered, they will do harm to the prosperity and progress of the country.

LIBRARY ARCHIVES Kerala Legislative Assembly

Therefore I would appeal to this House in the interests of the country, in the interests of the industrialisation of this country, to see that the amendment is thrown out, especially when 16 members of the Select Committee had agreed to registration.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, I should like to say a few words in this connection in defence of the position taken by the Select Committee and also to impress upon the House the importance of accepting the existing provision in this Bill. In other words I oppose the amendment. Sir, so far as I have been able to hear I learn that the chief objection to this Clause in the Bill is rested upon the ground that by passing this law in the present form we are making inroads on the sacred rights of individuals. I put a question to the Law Member whether apart from those theoretical considerations there is any disadvantage to labourers because of the provision that Trade Unions should be registered. The Law Member's answer to the point did not enlighten me. Sir, I certainly respect the rights of individuals in civilised countries. Perhaps in no other State in India is the right of the individual more protected than in Travancore. But the trend of modern legislation in all countries appears to be to enable society to regulate its own affairs. Even in America where the people have the greatest freedom in political and social matters, every day the laws passed by the Congress makes inroads upon the rights of individuals. They are subjected to two systems of laws, the State law and the Federal law. The State legislature and the Federal legislature vie with one another in imposing conditions on the action of individuals, in order to advance the interests of society. If any of the speeches made in the House to-day had pointed out that this Regulation for rade Unions will prejudice the labourers I certainly would not have taken the stand that I now am doing. But not a whisper was heard (Mr. K. Kunjukrishna Pillai: I question that.)

PRESIDENT: Order, order.

SADASYA TILAKA T. K. VELU PILLAI (*Trivandrum-Urban*): Apart from statements of principles of individual rights I did not hear any speech which explained, in which manner and, to what extent, the labourers would suffer. I affirm that once more. Sir, I do not want to take the House through the chapters of world history but I think it necessary to say this. In the time of the revolution in France when everybody wanted to get his own rights they brought about a new constitution. You find that every revolution brought a new change of laws. The laws changed from day to day and the socalled liberty of the subject suffered more under that regime than under that of despotic monarchies which ruled in France. I am not going to proceed in this strain. But let me make a reference to the Law Member's speech at the time when the Trade Unions Bill was introduced. This is what he says:—

> "In fact, the provision for these immunities is an important provision in this Bill to which I would draw the attention of the honourable members. That is contained in Clauses 17 and 18. Clause 17 deals with one of the immunities that a Trade Union will secure if it gets itself registered".

LIBRARY ARCHIVES Kerala Legislative Assembly

[Sadasya Tilaka T. K. Velu Pillai.]

Then the details are set forth:—

"In other words it is laid down that any agreement in restraint of trade or any incitement to break contracts may be resorted to by a Trade Union, provided it is registered. Otherwise it will be liable to penalties under the law".

The Trade Unions will have to so shape their conduct occasionally in a manner which would be in restraint of trade. The object of the Law Member seems to have been at any rate to make it possible for them to get the advantage. Therefore, the Regulation of Trade Unions, to my mind, conveys the idea that the Government, in order to help the labourers, have placed this Bill before the House. Without regulation the object of the Government will be frustrated. Mr. Tolson made a speech to which I listened with very great attention He did not commit himself one way or the other. As I understood his speech,—Mr. Tolson who possesses very great experience in the organisation of business, who knows the condition of labour,—Mr. Tolson was not against regulation. Now the State must be benefited by an organised and enlightened opinion of these Trade Unions. If a Trade Union, has no local habitation and a name, if a Trade Union is of an ephemeral character, if it is brought into existence to day and dissolved to-morrow, if the members of that society merely collect some money and spend it among themselves as they please, the poor labourers who are suffering from a combination of adverse circumstances will be greatly prejudiced. In this House, Sir, very often various Bills have been passed with a restriction on socalled individual rights. The case of socalled individual rights in its absolute sense has gone for ever. Take for instance the Chitty Regulation. The foreman of a chitty is not entitled to conduct business eventhough he has got enough subscribers at his disposal. Take again the Life Insurance Regulation. There was a time when in this country insurance societies grew like mushrooms. They produced a spectacular effect. If a man got any price the company used to collect a large concourse of people, get an important man to preside over the function and give away the prices so that it may produce a spectacular effect. I am sure no member of this House will take exception to what I say namely, that, in respect of all insurance societies, the legislature had to effectively intervene. Take again the Co-operative Societies Bill. It is very fresh in our memory. My friends in this House, many of them, advanced the argument that in order to prevent the exploitation of individuals by wicked persons in the managing committee interference of a drastic character was necessary. The principle of that Section 47 prevailed, *viz.*, that the Registrar must be given power to regulate the conduct of affairs. If that is so, so long as the other side has not been able to say that these labourers will be prejudiced I do not see any reason why I should take a different view of the question from what I did take in the Select Committee along with others. If Government think that labourers should be helped, the best thing will be to help them in the proper way, and to tell them what

LIBRARY ARCHIVES Kerala Legislative Assembly

their interests are. Let us see what are the facts. The facts have been mentioned on both sides. I am not contesting those facts. The ordinary labourer is not able to help himself without an association. That association must be made strong enough and good enough to function for all practical purposes. The Regulation does not mean prohibition. My friend who took the opposite view at the commencement of his speech referred to the penal provision in this Regulation. If there is a law passed, there should be a sanction behind it. Who is the man that is going to be punished? Only he who does anything in furtherance of things against an association which is not registered. Is registration a costly business? Then I can understand the opposite view. But it has not been proved to be so. Registration is a provision of law according to which a society should function. Considering this question in this light, believing that in the best interests of the labourer a Regulation of this character is very necessary, I oppose the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know what in the opinion of the member is the reason why a similar penalty is not imposed in other legislatures?

SADASYA TILAKA T. K. VELU PILLAI (*Trivandram-Urban*): My answer is plain. I may also say that it is patriotic. It is this. Various things are done in Travancore before other States do them. We have a continuity of enlightenment. Take the temple entry question.

The House rose for lunch at 1—1 P. M. and met again at 2 P. M. with the Deputy President in the Chair.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Sir, I rise to oppose the amendment moved by the honourable member Mr. Kunjukrishna Pillai. This aspect of the question was very anxiously considered by the Select Committee, and the existing provision was accepted by an overwhelming majority. I find no reason to change my view. It will be seen from Clauses 15 and 16 of the Bill for what purposes the funds can be collected and spent by the Trade Unions. There are two kinds of funds, namely general funds and separate funds for political purposes. Clause 15 defines the objects for which the general funds may be used and Clause 16 defines the constitution of separate funds by registered Trade Unions for political purposes The expenditure of the two kinds of funds is also controlled by express provisions in the Bill. Therefore we can hope that such funds of the Trade Unions will be safe and spent only for legitimate purposes. But this control and supervision can be exercised only if the Trade Unions are registered under the Regulation. I would ask the mover of the amendment if some Trade Unions are allowed to exist without getting themselves registered, who will exercise the control and the supervision of the funds collected by those Trade Unions? There will be constant misappropriation, mismanagement and misuse of the funds. It is of course detrimental to the interest of the State and to the interest of such Trade

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. T. P. Velayudhan Pillai.]

Unions and at times it will be difficult even for the Government to maintain law and order in the country. If any Trade Union is allowed to exist unregistered it can collect funds in the name of the Union for defeating the object of the Government to maintain law and order in the country. I am aware of such instances. And are we to allow such Trade Unions to go on in that manner any further Then there is another aspect to be considered. The State owes a duty to the public generally and a section of the public particularly, to safeguard their interest in every way and manner possible. When any unregistered Trade Union collects funds, is it not the duty of the Government to see that it is properly spent and only for legitimate purposes?

DEPUTY PRESIDENT: I cannot hear you.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): If the Trade Unions collect funds is it not the duty of the Government to see that it is properly spent and for lawful purposes?

DEPUTY PRESIDENT: Allow me to say this. I am not looking at any member. I am looking to the skyies and making this observation. The member is making his speech at the top of his voice. Yet I am unable to hear him because of distraction caused to the progress of his voice throuh other voices.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): How can that be done without bringing all the Trade Unions under the provisions of the Regulation? The amendment, if carried, will certainly frustrate all these legitimate objects. If this House is going to give concession to certain Trade Unions that exist without being registered, I am sure that it will give room for unhealthy competition between registered and unregistered Trade Unions. This kind of unhealthy competition, I am sure, will lead to complete ruin and dissolution of the registered Trade Unions. Hence I maintain that all Trade Unions must be compelled to take out registration and no Trade Union should be allowed to function unless it is registered. So, I oppose the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether as a result of the existence of the law without compulsion of registration from 1926 in British India the Trade Union movement in British India has been dissolved or distracted?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am not just now concerned with what happens in British India.

DEPUTY PRESIDENT: He is only asking for information. If you know it you may say.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I am not aware.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I oppose the amendment moved by my friend Mr. Kunjukrishna Pillai. In opposing this amendment I am not prompted by any desire to hamper the formation or growth of Trade Unions. I only desire that healthy and

LIBRARY ARCHIVES Kerala Legislative Assembly

well conducted Trade Unions must grow and there should be no room for any haphazard growth of Trade Unions.

Having made this assurance, I shall touch only upon certain aspects that have not been touched upon by other members.

First of all, it was taken for granted by the honourable mover of the amendment that it is the essential right of all persons to combine for common purposes and that it is inequitable to place any restrictions upon such right of combination. But the right of combination involved in Trade Unionism stands on a different footing from the right of combination for other purposes. The legal position of Trade Unions has not been accepted as unassailable or unquestionable. This is referred to in the report of the Royal Commission on Labour in India. I shall just refer to the relevant passage in that report. On page 318 of the report they say:

> "At an early stage, the movement was threatened with the penalties to which, in the absence of a protecting statute, certain Trade Union activities are exposed under English common law. Following a suit against the leaders of the Madras Labour Union in 1920, the Legislative Assembly in 1921 adopted a resolution in favour of legislation for the registration and protection of Trade Unions. Five years were to elapse before a law was passed..... "

It follows from this that the legal position of Trade Unions was not unquestionable until it was made clear by the Act of the Government of India of 1926. Likewise, the legal position of Trade Unions has to be settled here by special enactment. So the argument of the honourable member that it is inequitable to impose restrictions on the right to form Trade Unions falls to the ground. The right has to be granted by statute.

Coming to the merits of the matter, the provision for compulsory registration was objected to on the ground that it involves obligations which legitimate organisations may not be able to comply with. I am of opinion that registration does not involve any obligations which cannot be easily complied with. On this point also, the Royal Commission on Labour has expressed itself in clear terms. At page 325 of the Report, they say:

> "As the law stands at present, registration generally involves no obligations that a *bona fide* Union should not be willing to undertake. It necessitates a regular constitution, a periodical audit, the composition of the executive so that a majority may be workers, and the separation of political funds, which can be collected only from those members who are willing to contribute. In return for compliance with these provisions, the Union receives definite advantages. There is, therefore, a presumption that a Union which declines to register is not a *bona fide* organisation. Similarly the fact of registration creates a presumption in favour of the genuiness of the Union."

It follows from this observation that registration involves no obligations which a *bona fide* Union should not willingly undertake.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Royal Commission on labour in their recommendation regarding the management of the companies has proposed the provision of such a compulsory legislation?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : I am not concerned with that. The passage that I have read out indicates clearly the lines on which they would recommend a revision of the existing Act in British India.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know whether they have made any specific recommendations with regard to the way in which the Trade Union legislation has to be made so far as British India is concerned ?

MR. S. CHATTNATHA KARAYALAR (*Shencotta*) : If the member reads the report carefully, he will find that the recommendations are scattered throughout the report and not summed up anywhere. All the same, they have used language which makes their position very clear on this point. My point is that we should legislate for the development and growth of only healthy Trade Unions and should not in any way stimulate the growth of mushroom Unions. That is the point that I want to emphasise. It was argued here by certain members that these restrictions would hamper the growth of Trade Unions. On the other hand, I am of opinion that if we stimulate the growth of Trade Unions without any restrictions whatever, that would develop ever so many irresponsible organisations without any control whatsoever and such haphazard growth would tend to hamper the growth of healthy Unions. This point has been lost sight of by Mr. Kunjukrishna Pillai. It will be seen from the recommendations of the Royal Commission on Labour that the legal position of unregistered Unions is not unquestionable and in order to give a legal status to the Unions and to encourage the growth of healthy Trade Unions, it is necessary to place some restrictions upon the formation of such Unions. Registration of Trade Unions seems therefore to me to be absolutely essential and must be compelled by law.

MR. K. R. ELENKATH (*Kalkulam I*) : I rise to oppose the amendment. It would be plainly seen on a careful study of the Bill that any legislator who is interested in any trade or in any employer, or labourer, would be gratified to see that this Bill embodies all the provisions that are necessary for the healthy progress and development of trade and industry through well constituted organisations. The interest of thousands of labourers ought to be the main perspective through which disinterested legislators ought to view the question, when he discusses the provisions contained in the Bill. I ask the mover of the amendment whether he could find in the whole Bill a single Clause, which is not conducive to the best interest of the poor labourer. The very Preamble has been provided giving as wide a scope as possible by which the employer and the employee are allowed to enter themselves into a single corporation if they so desire for their mutual advantage.

The amendment proposed is not in any way conducive to the healthy growth and development of the corporation, either of the employees themselves or of the employer and the employee or of the employers themselves.

LIBRARY ARCHIVES Kerala Legislative Assembly

Sir, the main controlling Clause in the Bill I should think relates to the control of funds. This is a very important provision for the safety of a society, because the funds which the Trade Unions collect ought to be saved for the purpose of the common good of that corporation and nothing else. This is all the more important with regard to the funds of Trade Unions because they are collected from the people who with very great difficulty subscribe their share at the sacrifice sometimes of a meal and who suffer much for getting even one meal a day. It is from what they earn after hard work and labour that they contribute, and if that amount is not properly controlled by authorities, by people to whom the laboures look forward for their salvation, I ask wherein lies the guarantee for their advancement ?. There is no restriction even in regard to collection of funds for political purposes, for all lawfull and constitutional agitations. The provision for separate funds for their political purposes can be utilised by them for the purpose of elections, for sending their candidates to legislatures. For advancement of their interest through means of constitutional agitation, provision is made which can be used to the best and real advantage of the workmen. Then, I ask wherein lies the necessity for giving a free hand to anyone under whatever conditions and terms for the formation of these Unions Thus if a Trade Union is not registered what will happen is this. A Trade Uunion may be formed mostly comprising of poor illiterate labourers but led and controlled by a few persons who may not be connected with any trade at all. They may frame their own bye-laws and do with the funds according to what they deem proper and sometimes for purposes quite alien to the purpose and object of the Unions but to the selfish interest of the promoters of the Unions. We heard here highsounding words and advocacy for principles such as penalisation of civic rights and penalisation of right of corporate working and all the rest of it. Is it not and should it not be made liable for penalisation if the misappropriation of the funds of such Trade Unions takes place directly or indirectly ? What is it that is provided here when a registry is made compulsory or demanded as a compulsory factor for the working of the Trade Union as an organisation? Compulsory registration demands that there shall be no misappropriation of funds. If the funds are properly controlled it will be conducive to the well-being of the members for whose advancement such corporate bodies have been found. If there is any penalisation involved in compulsory registration I would say that we provide that to penalise misappropriation, and to penalise the working of corporations for purposes other than for what they are intended. People who are not in any way interested in trade and industry and in whom there may be only a very distant interest as regards trade or industry but may have predominent interest in other directions for the achievement of which they may conveniently exploit Trade Unions, may really find a handicap in this provision for compulsory registration. Sir, Clause 21 refers to the proportion which the non-traders or non-industrialists

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. R. Elenkath.]

may occupy among the office-bearers of the Trade Unions. It is a very important Clause.

MR. P. C. KURIYAN (*Kottayam I*): May I know whether if a Union functions without registry it would affect the possibility of agitations?

DEPUTY PRESIDENT: I am not able to find any specific meaning in the word "agitation".

MR. P. C. KURIYAN (*Kottayam I*): The honourable member says he is able to answer.

DEPUTY PRESIDENT: I am not prepared to allow it, because the word "agitation" is not capable of any specific meaning in this connection. If you modify your question, I shall.

MR. K. R. ELENKATH (*Kalkulam I*): Let me pass on. Sir, if the Trade Unions want to get their grievances redressed by means of agitation.....

DEPUTY PRESIDENT: So, the agitation is for redressing grievances?

MR. P. C. KURIYAN (*Kottayam I*): Yes.

MR. K. R. ELENKATH (*Kalkulam I*): They can do so as members of the Union for attaining their lawful objects. Agitators who are not directly concerned with trade and industry should not take this law as a cloak and adopt it for the purposes which are alien to the interest of labourers and to the immediate objects of the Unions. Even looking from that stand-point I think it is not fair to give free scope for non-traders and non-labourers, who call themselves as leading Trade Unionists and friends of labour and pose themselves as *pseudo* industrialists and *pseudo thozhilalis* to enter in those fields where their interests are but little and where their superficial knowledge of business and of the relationship between the employers and employees may work to the disadvantage of the industry. Sir, I think that Clause 21 is the most important Section inasmuch as it serves to minimise or restrict such unwholesome elements from getting into the industrial or Trade Unions out of all proportion. For business men and real industrialists it is entirely necessary that they should be given all facilities to work for the welfare of labourers under their charge. Safeguards should be provided for keeping away persons with haphazard and superficial information as regard industry and trade from Trade Unions. If they come in large numbers they will create mischief which may very often go to spoil the cause of well meaning Trade Unions. I was wondering to-day when my friend Mr. Kottoor Kunjukrishna Pillai told us that it was hard to realise fee for registration of Trade Unions, for registration necessarily involved a levy of fee also. Yesterday when some of us advocated on behalf of co-operative societies, for free auditing to be conducted by the department, he was telling us that it was disgraceful on the part of the society and derogatory to the self-respect of its members to ask for it. I am much surprised to find that such a change of vision has been made possible with my friend within the short span of twenty-four hours.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: The honourable member is not concerned with the reason why Mr. Kottoor Kunjukrishna Pillai took such a view with regard to the Co-operative Societies Bill. Now you say that he has changed his view. These reasons are not relevant. A man is quite entitled to give his reasoning (*Laughter*).

MR. K. R. ELENKATH (*Kalkulam I*): One other matter needs pointing out here, That relates to the necessity for laxity of Government control that my friend advocates with regard to this Bill, as against the Co-operative Societies Bill for which he has been yesterday advocating that no amount of spoon-feeding would be too much. He says to-day that we should not very often approach the Government with the request of "spoon-feeding". I am surprised that when he finds spoon-feeding quite essential in the case of co-operative societies which have stood the test of quarter of a century and which consist of more educated members, he demands complete license for the formation and working of Trade Unions. What is it that we demand from the Government? We demand of them no favour, no kindness but we only want ourselves, I mean our Trade Unions, to be brought under discipline. That is all what we require. On the registered unions the Government are conferring privileges and rights. Especially Clause 17 which gives immunities in certain cases of suits is indeed a very wholesome and laudable provision. If we are entitled to get privileges why not we submit ourselves to certain control also? What is the control after all that is meant by this Clause which my friend wants to delete from the Bill? It is only a provision for compulsory registration of Unions. With these words I oppose the amendment.

MR. S. J. NAIR (*Nedumangad*): Sir, I support the amendmen. Sir, I do it not in the capacity of a champion of the labourers or of the employers. With a dispassionate view I have studied this subject and I have to come to the conclusion that the acceptance of this provision 14 (2) is most harmful for the promotion of the Trade Unions. This Bill is intended to help the formation of the Trade Unions and to protect and advance their interests. The labour movement is only in its infant stage and the Government or the House by this legislation, could not and shall not stifle the movement. Sir, in order to understand the evil results of this provision, we have to look into this provision along with Clause 30 (1) in the Bill. If we are to take into consideration Clause 14 (2) of this Bill along with Clause 30 (1) of this Bill, then you can come to the conclusion that it is not possible to form Trade Unions at all hearafter. Because, Sir, Clause 14 (2), reads like this:—

> "No Trade Union shall be formed or shall function unless it is registere under the provisions of this Regulation;
>
> Provided that in the case of Trade Unions existing on the date of the commencement of this Regulation, such Trade Unions may functio[illegible] a period of three months from such date".

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. J. Nair.]

Sir, in order to form an association or a Union as a preliminary step a few people will have to gather together. They will have to discuss the subject; they will have to frame certain rules; they will have to elect the office bearers and then they will have to collect funds and apply for registration. The preliminary steps must be gone into only after the formation of the Union. But now under Section 14 (2) the very formation of the Union is penalised. Not only that, for the formation of the Union the poor labourers have no technical knowledge. They have to bring or invite some one else. Those gentlemen who go in to help in the formation of these Unions will also be penalised.

DEPUTY PRESIDENT: The honourable member appears to be not quite relevant. If a number of people join together that does not become a Union.

MR. S. J. NAIR (*Nedumangad*): I was saying, that for taking preliminary steps for the formation of a Trade Union they must assemble together. Now by this Clause in the Bill we are putting the cart before the horse (*Laughter*). I do not understand the relevancy of the provision under Clause 14 (2). Suppose the proviso under Clause 14 (2) was worded like this :—

> Provided in the case of the Trade Unions formed after the date of the commencement of this Regulation, such Trade Unions may function for a period of three months from such date before they are registered under the provisions of this Regulations".

If there is such a proviso permitting the formation of the Trade nion any Union can be formed and even registered here. Clause 14 (2) really penalises the very formation of the Trade Unions. That is why I support the amendment.

MR. K. R. ELENKATH (*Kalkulam I*): One question.

DEPUTY PRESIDENT: Mr. Elenkath had sufficient time to ask questions. Mr. S. J. Nair may now go on.

MR. S. J. NAIR (*Nedumangad*): Sir, under the existing circumstances the present Section as it stands is nothing but prohibition of the formation of Trade Unions. Perhaps as a result of the amendment moved by Mr. Kottoor Kunjukrishna Pillai, the Law Member has come to the conclusion that the existing provisions prevent the formation of Unions. So far as the labourers in this State are concerned let us see what they say about this provision in the Bill. The labourers through their organ known as "Thozilali" comments upon this provision in the Bill as follows :—

"രജിസ്റ്റർചെയ്തിട്ടില്ലാത്ത ട്രേഡ്യൂണിയൻസിന്റെ പ്രവർത്തികളെ നിരോധിക്കുന്നതായി ഒരു ഭേദഗതി സെലക്ട് കമ്മിറ്റിക്കാർ നിർദ്ദേശിച്ചിട്ടുള്ളതായി കാണുന്നു. ഈ ഭേദഗതി തൊഴിലാളികൾക്കു വളരെ ദോഷകരമായ ഒന്നാണ്. രജിസ്റ്റർചെയ്യാത്ത എല്ലാവിധസംഘങ്ങളും രജിസ്റ്റർചെയ്യണമെന്നു ഒരു നിയമം നമ്മുടെ നാട്ടിൽ ഇല്ല. ഇങ്ങനെ ഒരു നിയമം ഉണ്ടാക്കുക എന്നുവച്ചാൽ സംഘങ്ങൾരൂപീകരിക്കുന്നതിനു

LIBRARY ARCHIVES Kerala Legislative Assembly

ഒപൊതുജനങ്ങളിൽ നിക്ഷിപ്തമായ പൊതുവകാശത്തെ നിരോധിക്കയെന്നാണർത്ഥം. ഈ സ്വാതന്ത്ര്യം മഹാരാജാവു തിരുമനസ്സിലെ എല്ലാ പ്രജകൾക്കും ഉള്ളതാണ്. തൊഴിലാളികൾക്കു ഈ സ്വാതന്ത്ര്യം അനുവദിക്കയില്ലെന്ന നിയമം പാസ്സാക്കുന്നതിൽ അന്തർഭവിച്ചിരിക്കുന്ന അനൗചിത്യം അക്ഷേപാർഹമാണ്. രജിസ്റ്റർചെയ്യുന്ന സംഘങ്ങൾക്കു ചില പ്രത്യേകാവകാശങ്ങളും സ്വാതന്ത്ര്യങ്ങളും ലഭിക്കണമെന്നു പറയുകയല്ല, രജിസ്റ്റർചെയ്യാത്ത സംഘങ്ങൾ പ്രവർത്തിച്ചുകൂടെന്നു ശഠിക്കുന്നതു നീതീകരിക്കത്തക്കതല്ല. ഈ ബില്ലിന്റെ ഉദ്ദേശത്തിനുതന്നെ ഇതു വിപരീതമാണ്. സംഘങ്ങൾ രജിസ്റ്റർചെയ്യുന്നതിനു സൌകര്യം കൊടുക്കുന്നതിനു മാത്രമണ് ഈ ബില്ല കൊണ്ടുവരപ്പെട്ടിട്ടുള്ളതു്."

DEPUTY PRESIDENT: I cannot permit long quotations.

MR. S. J. NAIR (*Nedumangad*): Only two sentences more, Sir.

"ഈ വ്യവസ്ഥ ബ്രിട്ടീഷ് ഇൻഡ്യൻ നിയമത്തിൽ ഇല്ലതന്നെ. സിലക്ട് കമ്മറിക്കാരുടെ ഭേദഗതി പാസ്സാകുന്നപക്ഷം അതു തൊഴിലാളികളുടെ അവകാശങ്ങളെ ധ്വംസനംചെയ്യുന്നതിനുള്ള ഒരുപാധിയായിത്തീരുമെന്നുള്ളതിൽ ഞങ്ങൾക്കു യാതൊരു സംശയവുംഇല്ല."

MR. P. S. MAHOMED (*Co-opted*): അതു ഏതു തീയതിയിലെ പേപ്പറാണെന്നു പറയാമോ?

MR. S. J. NAIR (*Nedumangad*): 4th Vrischikam 1112.

MR. K. R. ELENKATH (*Kalkulam I*): പത്രാധിപർ ആരാണ്?

MR. S. J. NAIR (*Nedumangad*): പത്രാധിപരാരാണെന്നു ഇതിൽകാണുന്നില്ല.

[C.I. Sir, excuse me for having spoken in Malayalam. I do not find. I must refer to.....

DEPUTY PRESIDENT: All these are irrelevant. You proceed.

MR. S. J. NAIR (*Nedumangad*): I can assure the House that the *Thozhilali Newspaper* is the only organ of the labourers. Such being the case, much weight must be given to the opinion expressed in the paper.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether it is a registered paper?

MR. S. J. NAIR (*Nedumangad*): It is a registered paper.

DEPUTY PRESIDENT: I wish the right of questioning will be exercised with due circumspection.

MR. S. J. NAIR (*Nedumangad*): Sir, it will be evident from Clause 14 (2) as well as Clause 30 (1) of the Bill that if Clause 14 (2) is permitted to remain in this Bill it will stifle the labour movement by prohibiting the formation of all sorts of Trade Unions in the State. It will directly affect the very formation of Trade Unions hereafter. I upport the amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I oppose the amendment, even at the risk of being misunderstood by my friends. I had nothing to do with capitalists. If I had anything to do with any organisation at Alleppey it was with the labour organisation. I don't claim any intimate knowledge of labour conditions but I know the general working of some labour organisations.

Sir, Travancore is still pre-eminently agricultural in occupation. The condition of British India where very many mills exist side by side, employing thousands of labourers, is not obtained here. In recent years there has been in this State a wide gulf created between capital and labour.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon I*): Is there no country in the world where that gulf is not created?

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): All over the world it is so. It is all a question of degree. In Alleppey and Shertala unnecessary estrangements between capital and labour have often dislocated trade. After all, would this compulsory registration be a real hardship and injustice to the labourers? It will provide certain status and privileges and responsibilities to labourers. They could now organise and discipline themselves. Along with the same, there is a co-existing responsibility also in the matter. According to certain Clauses in the Bill any labour organisation after registration must keep accounts, must render accounts of the funds they collect and there should be annual auditing. For the privileges conferred, there are these corresponding duties also. Take for instance a big firm doing business either in Quilon or in Alleppey, which has invested a lakh of rupees and which employs 500 or 600 labourers. If 95 per cent. of the labourers of that factory form themselves into a labour organisation registered accoring to this Bill and if 5 per cent. of the labourers keep away and form themselves into a voluntary organisation and try to influence and play upon the credulity of the majority, then incalculable mischief can be done for industry and commerce in this State.

Irresponsible people might exploit labour for their own selfish and personal ends. Again labour is often exploited by interested persons for political purposes and recent experiences are yet fresh in our memory.

My friend Mr. K. Kunjukrishna Pillai mainly dwelt upon the fact that this compulsory registration will constitute a violation of the inherent rights of citizens to voluntarily combine and work for the welfare of their fellow citizens. As the learned Deputy President remarked during the discussion of this Clause, when we take into consideration the particular provision, we see that for the most efficient working, for the betterment and for the ultimate good of the associations, we have to accept certain rules. For the collective representation, the representation of the grievances in a cogent and effective way to the capitalists, and to the public and every constituted authority in this State, the organisations of labour should be registered under the statute and worked accordingly. Then in the long run it will conduce to the betterment of labour. With these remarks, I oppose the amendment.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. S. MAHOMED (*Co-opted*): സർ, തൊഴിലാളിസംഘം തിരുവിതാംകൂറിൽ ആദ്യമായിസ്ഥാപിച്ചു് അതുമായിട്ടു ഫ൭ വഷ്ത്തെ അടുത്തപരിചയമെന്നുള്ള നിലയിലും, അതിലെ പ്രസിഡൻറു് എന്ന നിലയിലും എനിക്കു തൊഴിലാളിസംഘങ്ങളെപ്പറ്റി പല സംഗതികളും അറിയാൻ കഴിഞ്ഞിട്ടുണ്ടു്. എന്റെ പരിചയത്തിൽനിന്നും ചിലസംഗതികൾ ഈ സഭയുടെ ദൃഷ്ടിയിൽകൊണ്ടുവരണമെന്നു ഞാൻ വിചാരിക്കുന്നു തൊഴിലാളികളുടെ ഭാഗം വാദിക്കുന്നതിനായി ഗവണ്മെൻറിൽനിന്നും എന്നെ ഈ സഭയിൽ നിയമിച്ചിട്ടുള്ളതു് എന്റെ പരിചയം കൊണ്ടാണെന്നാണു് ഞാൻ വിചാരിക്കുന്നതു്. അതിനാൽ തൊഴിലാളികളെ സംബന്ധിച്ചിടത്തോളമുള്ള പ്രധാനമായ ചില സംഗതികൾ ഈ സഭയുടെ ശ്രദ്ധയിൽ കൊണ്ടുവരിക എന്നുള്ളതു് എന്റെ ഒരു പ്രധാന ചുമതലയാകുന്നു. ഈ ചുമതലനിർവഹിക്കുന്നതിനിടയിൽ വെളിയിലുള്ളതായ തൊഴിലാളികളുടെയിടയിൽ ഉള്ള അഭിപ്രായങ്ങളെ പരാമർശിക്കാതെ എന്റെ യഥാർത്ഥ കൃത്യനിർവഹണത്തിനാണു ഞാൻ തുടരുന്നതു്.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does the member represent labour opinion or labour interests?

MR. P. S. MAHOMED (*Co-opted*): Labour interests.

എന്റെ സ്നേഹിതൻ മി. എസ്. ജെ. നായർ വൃശ്ചികം ൪-ാം നു-യിലെ 'തൊഴിലാളി' പത്രം ഇവിടെ വായിക്കയുണ്ടായി. അതു കൊല്ലത്തുവച്ചു് തൊഴിലാളിയോഗം നടന്നകാലത്തിനടുപ്പിച്ചുള്ള ഒരു പത്രമാണു്. കൊല്ലത്തുവച്ചു് എന്റെ മാന്യസ്നേഹിതൻ മി. കോട്ടൂർ കുഞ്ഞുകുട്ടിപിള്ളയുടെ അദ്ധ്യക്ഷതയിൽകൂടിയ യോഗത്തിൽതന്നെ ഈ ബില്ലിൽ സെലക്ട് കമ്മിറ്റിവരുത്തിക്കൂട്ടിയിട്ടുള്ള ഭേദഗതികൾ തൊഴിലാളികൾക്കു് അനുപൽകരമാണെന്നും, തൊഴിലാളി പ്രതിനിധിതന്നെ ഈ ഭേദഗതി കൊണ്ടുവന്നതാണെന്നും മറും പ്രസ്താവിച്ചതായിട്ടു ചില പത്രങ്ങളിൽകണ്ടു. എന്നാൽ യഥാർത്ഥത്തിൽ ഈ ഭേദഗതി ഞാനല്ലാ കൊണ്ടുവന്നതു്. ഒരു മുതലാളിയായ എന്റെ മാന്യസ്നേഹിതൻ മി. കെ. സി. കരുണാകരനാണു്. അദ്ദേഹം ഒരു മുതലാളിയാണെങ്കിലും അദ്ദേഹം കൊണ്ടുവന്നതായ ഭേദഗതി തൊഴിലാളികളുടെ താല്പര്യത്തിനു ഏറ്റവും പ്രയോജനകരമായ ഒന്നാണെന്നു തോന്നുകയാൽ ഞാൻ അതിനെ അനുകൂലിച്ചു. ഇപ്പോഴും ആ തത്വത്തെ അനുകൂലിച്ചുകൊണ്ടു്, എന്റെ സ്നേഹിതൻ മി. കുഞ്ഞുകുട്ടിപിള്ള ഇവിടെ കൊണ്ടുവന്നിട്ടുള്ള ഭേദഗതിയെ എതുക്കയാണു ഞാൻ ചെയ്യുന്നതു്.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. S. Mahomed.]

സാമുദായികമായോ മതപരമായോ ഉള്ള സംഘടനകൾക്കൊന്നിനുംതന്നെയില്ലാത്തതായ ഒരു നിബന്ധനതൊഴിലാളിസംഘടനക്കായിമാത്രം വച്ചിരിക്കുന്നതു് അതിനെ ദ്രോഹിക്കാനാണെന്നൊക്കെയാണു് തൊഴിലാളികളെ ധരിപ്പിച്ചുവച്ചിരിക്കുന്നതു. എന്നാൽ ഞാൻ അതിന്റെ മറുവശം പറഞ്ഞുകഴിഞ്ഞാൽ തൊഴിലാളികൾ അതു് സ്വീകരിക്കും. തൊഴിലാളികളെ പറഞ്ഞു തിരിപ്പിക്കുന്നതുപോലെ ഉത്തരവാദിത്വമുള്ള ഈ സഭയിലെ സാമാജികന്മാരെ തിരിപ്പിക്കുക എന്നുള്ളതു് അത്ര എളുപ്പമുള്ള കാര്യമല്ല.

DEPUTY PRESIDENT: I think, all that is unnecessary. Please proceed with your argument.

Mr. P. S. MAHOMED (*Co-opted*) : രജിസ്ട്രേഷൻ എന്നുള്ള ഒരു നിബന്ധന തൊഴിലാളികളുടെ തലയിൽ ഗവണ്മെന്റു വലിച്ചുവക്കയല്ലചെയ്തതു. ഏറ വർഷങ്ങളായി ഞാൻ സംബന്ധിച്ചിട്ടുള്ള തൊഴിലാളിസംഘങ്ങളിൽ നിന്നും ഇങ്ങനെ ഒരുനിയമം വേണമെന്നും, തൊഴിലാളിസംഘങ്ങളും രജിസ്റ്റർ ചെയ്യണമെന്നും മറും പല പ്രാവശ്യമായി ഗവണ്മെന്റിനെ അലട്ടികൊണ്ടിരുന്നതിന്റെ ഫലമായിട്ടാണു് ഇങ്ങനെ ഒരു വകുപ്പുണ്ടായതു്. തൊഴിലാളികൾക്കു് ഒരു സംഘടനവേണം, അതു നിയമപരമായിരിക്കണം, അവക്കു കിറെ സ്റ്റാറ്റസ് വേണം എന്നൊക്കെ അവർ വളരെക്കാലമായി ആഗ്രഹിച്ചുകൊണ്ടിരിക്കുകയാണു്. അതിൻ പര്യാപ്തമായ ഒരു നിയമം ഈ സഭയിൽ കൊണ്ടുവന്നപ്പോൾ അതു് പൊയ്പോയി എല്ലാവരെയും ബാധിക്കാത്ത നിലയിൽ അതിനിത്തീക്കുന്നതു് കായ്ക്ഷമതയോടും ഉത്തരവാദിത്വത്തോടുംകൂടി തൊഴിലാളിസംഘങ്ങളെ നയിക്കുന്നതിനു ബാധകമായിത്തീരും. സംഘം രജിസ്റ്റർചെയ്തു തൊഴിലാളികളുടെ അഭിവൃദ്ധിക്കുവേണ്ടി പ്രവർത്തിച്ചുകൊണ്ടിരിക്കുമ്പോൾ യാതൊരു ഉത്തരവാദിത്വവുമില്ലാത്ത പ്രവൃത്തിക്കാൻ മറ്റൊരു കൂട്ടരെ അനുവദിച്ചാൽ അതു തൊഴിലാളികളുടെ രക്ഷക്കായി നാളുതുവരെ പരിശ്രമിച്ചുകൊണ്ടിരുന്നതിന്റെ ഫലം പ്രയോജനരഹിതമായിട്ടുതീരും.

Mr. A. THANU PILLAI (*Trivandrum-Rural*) : മെമ്പർ സംബന്ധിച്ചിരുന്ന സംഘങ്ങൾ ഏതെങ്കിലും ഇങ്ങനെയുള്ള സംഘടനകൾ രജിസ്റ്റർ ചെയ്യാനുള്ള സൌകര്യം ഉണ്ടാക്കിത്തരണം, രജിസ്റ്റർ ചെയ്യാത്ത യാതൊരു സംഘടനകളും പാടില്ല എന്നു് ആവശ്യപ്പെട്ടിട്ടുണ്ടോ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. P. S. MAHOMED *(Co-opted)* : രജിസ്റ്റർചെയ്യണമെന്നുവരുമ്പോൾ എല്ലാം രജിസ്റ്റർ ചെയ്യണം, അതിൽ ചിലതിനെ ഒഴിവാക്കുന്നതു് പലതരത്തിലുള്ള കുഴപ്പങ്ങൾക്കും ഇടയാക്കുന്നതാണു്.

സർ, മി. കോട്ടൂർ കുഞ്ഞുകൃഷ്ണപിള്ള പറഞ്ഞതന്യായം സാമുദായികമായും മതപരമായും ഉള്ള സംഘടനകൾക്കു രജിസ്ട്രേഷൻ ആവശ്യമില്ലെന്നുവച്ചിരിക്കുമ്പോൾ തൊഴിലാളിസംഘങ്ങൾക്കു രജിസ്ട്രേഷൻ വേണമെന്നു പറയുന്നതു് ശരിയല്ലെന്നാണു്. സാമുദായികവും മതപരവുമായ സംഘങ്ങളെല്ലാം തന്നെ പൊതു നിയമത്തിന്റെ പരിധിയിൽവരുന്നതാണു്. അതിലേക്കു പ്രത്യേകം ഒരു നിയമംവേണമെന്നു ആവശ്യപ്പെട്ടിട്ടുമില്ല.

MR. K. KUNJUKRISHNA PILLAI *(Quilon I)* : രജിസ്റ്റർ ചെയ്യാത്തടയിഡ് യൂനിയൻസിനു ഇതിൽ പറഞ്ഞിരിക്കുന്ന പ്രത്യേകാവകാശങ്ങൾ കൊടുക്കയില്ലെന്നു മെമ്പർക്കറിയാമോ?

MR. P. S. MAHOMED *(Co-opted)* : അതെനിക്കു വ്യക്തമായിട്ടറിയാം. എന്നാൽ ഈ നിയമമനുസരിച്ചുള്ള പ്രിവിലേജസ് വേണ്ട, അതുകൊണ്ടു സംഘടന രജിസ്റ്റർ ചെയ്യേണ്ടാഎന്നുവക്കുന്നതു മറ്റു സംഘങ്ങളുടെ പുരോഗതിയെ തടയുന്നതിനു മാർഗ്ഗമായിത്തീരും. അങ്ങിനെയുള്ള സൌകര്യങ്ങൾ ഒരിക്കലും കൊടുക്കരുതു്. എന്റെ സ്നേഹിതന്മാരായ മുതലാളിമെമ്പർമാർ പലരും ഇതിനെ അനുകൂലിച്ചു സംസാരിച്ചതുകേട്ടപ്പോൾ എന്റെ ഹൃദയം തണുക്കുകയാണു് ചെയ്തതു്. ഇപ്പോൾതന്നെ ഗവണ്മെൽറിനെ ധരിപ്പിച്ചുകൊണ്ടിരിക്കുന്നതു ഈ തൊഴിലാളിപ്രസ്ഥാനങ്ങളെല്ലാം പി. എസ്. മഹമ്മദിനോ മറ്റു വല്ലവർക്കുമോ ഒരു ചില സ്ഥാനം ലഭിക്കുന്നതിനുവേണ്ടിയാണെന്നാണു്. നേരേമറിച്ചു രജിസ്റ്റർ ചെയ്ത സംഘങ്ങളാണെങ്കിൽ ഇങ്ങനെയുള്ള സംഭവങ്ങൾ ഉണ്ടാകയില്ല.

MR. P. C. KURIYAN *(Kottayam I)* : ഈ ബില്ലിന്റെ ആവശ്യത്തിനായി മെമ്മറാണ്ടം സർക്കാരിൽനിന്നും നാമിനേറ്റു ചെയ്തപ്പോൾ മെമ്പറുടെ റിപ്രസന്റേഷൻ ഉണ്ടായിരുന്നോ?

DEPUTY PRESIDENT : What led to the appointment of any particular member of this House does not arise.

MR. P. S MAHOMED *(Co-opted)* : രജിസ്റ്റർചെയ്ത സംഘങ്ങളും അല്ലാത്ത സംഘങ്ങളും ഉണ്ടായിരിക്കയെന്നു വരുന്നതു് മുതലാളികളുടെ കയ്യിൽ രജിസ്റ്റർ ചെയ്ത സംഘങ്ങളെ നശിപ്പിക്കുന്നതിനുള്ള ഒരു ആയുധം നൽകുന്നതിനു തുല്യമാകുന്നു. ഒരു രജിസ്റ്റർസംഘം കാര്യക്ഷമമാ

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. S. Mahomed.]

യി ജോലി ചെയ്യുവരുമ്പോൾ മുതലാളികൾ ആ സംഘത്തിന്റെ പ്രവർത്തനങ്ങളെ നശിപ്പിക്കുന്നതിനായി അവരുടെ സ്വന്തം പാർശ്വവർത്തികളായ ഏതാനും ചില തൊഴിലാളികളെ ചേർത്ത് മറെറാരു ടെയിഡ് യൂനിയൻ തുടങ്ങാനെളുപ്പമുണ്ട്. കുറെ തൊഴിലാളികൾ എപ്പോഴും മുതലാളികളുടെ സ്വാധീനത്തിലുണ്ടായിരിക്കും. ഇങ്ങനെ വരുമ്പോൾ ഈ രണ്ടു സംഘങ്ങളും തമ്മിൽ മൽസരത്തിനിടവരാതിരിക്കാൻ തരമില്ല. ഇതെന്റെ അനുഭവമാണ്. ഒരു തൊഴിലാളിസംഘം കാര്യക്ഷമമായി ജോലിചെയ്യുവരുന്ന എന്നു കണ്ട അവസരത്തിൽ ആ സംഘത്തെ നശിപ്പിക്കാനായി എന്റെ മാന്യസ്നേഹിതന്മാരായ ചില മുതലാളികൾ മറെറാരു തൊഴിലാളി സംഘം രൂപീകരിച്ചിട്ടുണ്ടായിരുന്നു. മേലും അവർ അങ്ങിനെ ചെയ്യുകയില്ലെന്നു എനിക്കു വിശ്വാസമില്ല. ആയതുകൊണ്ട് ഇങ്ങനെയുള്ള ഒരായുധം ഒരിക്കലും മുതലാളികളുടെ കയ്യിൽ കൊടുക്കരുതെന്നാണ് എനിക്കു പറയുവാനുള്ളത്.

MR. N. E. VARUGHESE (*Tiruvalla I*) ശരിയായി സംഘടിപ്പിച്ച ജോലി ചെയ്യുന്ന രജിസ്റ്റർഡ് സംഘങ്ങളുടെ ഇടയിൽത്തന്നെ അഭിപ്രായവ്യത്യാസം വരികയില്ലേ?

MR. P. S. MAHOMED (*Co-opted*) : അങ്ങിനെ ഒരു അഭിപ്രായവ്യത്യാസം വരികയാണെങ്കിൽ അതു് ഇരു കൂട്ടർക്കും ഇരു പോലെ മാത്രമേ ദോഷത്തെയുണ്ടാക്കുകയുള്ളൂ. ഇരുകൂട്ടരും അവരവരുടെ ഗുണത്തിനുവേണ്ടി പ്രവർത്തിക്കുകയേയുള്ളൂ. തൊഴിലാളികളധികവും സാധുക്കളും കാര്യവിവരമില്ലാത്തവരുമാണ്. അതുകൊണ്ട് അവരെ ഏതുവഴിക്കും തിരിച്ചുകൊണ്ടുപോകാൻ സാധിക്കും. രജിസ്റ്റർചെയ്യപ്പെടാത്ത യൂനിയൻസ് ഉത്തരവാദിത്വമുള്ളവരാകകൊണ്ട് അവയുടെ പ്രവൃത്തികൾ കാര്യക്ഷമമായി മുന്നോട്ടുപോകാൻ സാധിക്കും.

എനിക്കു ഇനി മറെറാരു സംഗതി ഈ സഭയുടെ ശ്രദ്ധയിൽ കൊണ്ടുവരേണ്ടതായിട്ടുണ്ട്. അതായതു രജിസ്റ്റർ ചെയ്തതും ചെയ്യാത്തതുമായ സംഘങ്ങളുണ്ടാകാമെന്നു വരുമ്പോൾ തൊഴിലാളികളുടെയും മുതലാളികളുടെയും ക്ഷേമത്തെ മുൻനിറുത്തി പ്രവർത്തിക്കുന്നവർക്കു പല പല വൈഷമ്യങ്ങളുമുണ്ടാകും. ചുരുക്കത്തിൽ രജിസ്റ്റർ ചെയ്തിട്ടുള്ള സംഘങ്ങൾക്ക് ഒന്നും ചെയ്യുവാൻ സാധിക്കയില്ല. അസോസിയേഷൻ ചില ലേബർ വെറും പേപ്പറിൽ മാത്രമേ ഉള്ളൂ. ചിലർക്കു ലേബർ ലീഡർ ആകാൻ സൌകര്യമുണ്ടാക്കി കൊടുക്കുന്നവണ്ണം മാത്രമുള്ള ഒരു നിയമം തിരുവിതാംകൂറിൽ പാസ്സാക്കുന്നതു് രാജ്യത്തിനും, തൊഴിലാളികൾക്കും മുതലാളികൾക്കും ആപത്താണ്.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : ട്രേയിഡ് യൂണിയൻസ് രജിസ്റ്റർ ചെയ്താൽ അങ്ങിനെ ആർക്കും ലീഡറാകാൻ സാധിക്കുകയില്ലെന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. P. S. MAHOMED (*Co-opted*) ; ആകാം. പക്ഷെ രജിസ്റ്റർ ചെയ്ത ഒരു യൂണിയനാണെങ്കിൽ ലേബർ ലീഡർക്കു ചില ഉത്തരവാദിത്വങ്ങളൊക്കെയുണ്ടാകും.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*) : രജിസ്റ്റർ ചെയ്തു കഴിഞ്ഞാൽ ലേബർ ലീഡേർസിനു കൂടുതൽ സ്വാതന്ത്ര്യങ്ങളുണ്ടാകുമെന്നു മെമ്പർക്കറിയാമോ?

MR. P. S MAHOMED (*Co-opted*) : രജിസ്റ്റർ ചെയ്യാതെയിരുന്നാൽ ചീത്ത സംഗതികൾ ചെയ്യുവാൻ കൂടുതൽ സ്വാതന്ത്ര്യമുണ്ടാകും.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*) : നല്ലതു ചെയ്യുവാനുള്ള സ്വാതന്ത്ര്യവും ഉണ്ടെന്നു മെമ്പർക്കറിയാമോ?

MR. P. S. MAHOMED (*Co-opted*) : അതിനെപ്പറ്റി ഞാൻ പറയുവാൻ പോകയാണ്. രജിസ്റ്റർ ചെയ്താലും ചെയ്തില്ലെങ്കിലും നന്മചെയ്യാനുള്ള സ്വാതന്ത്ര്യമുണ്ട്. എന്നാൽ തിന്മ ചെയ്യുവാനുള്ള സ്വാതന്ത്ര്യം രജിസ്റ്റർ ചെയ്യാത്ത സംഘങ്ങൾക്കുള്ളതുപോലെ തന്നെ രജിസ്റ്റർ ചെയ്ത സംഘങ്ങൾക്കു കാണുകയില്ല.

ഇതിനും പുറമേ രജിസ്റ്റർ ചെയ്ത സംഘങ്ങളുടെ ഫണ്ടു ഗവർമിനിയോഗം ചെയ്യാൻ സാധിക്കുകയില്ല.

ഇതിൽ ഏറ്റവും പ്രധാനമായ ഗുണം അതാണ്. പാവപ്പെട്ട തൊഴിലാളികൾ തരുന്ന പകലും അദ്ധ്വാനിച്ചു അവരുടെ രക്തം വെള്ളമാക്കി ഉണ്ടാക്കുന്ന പണം കൊണ്ടു ആളുകളുടെ സുഖത്തിനുവേണ്ടിയും ഉദരപൂരണത്തിനുവേണ്ടിയും ചിലവു ചെയ്യുന്നതിനുള്ള സൌകര്യം ഒരിക്കലും നാം നൽകരുതു്. കഴിയുന്നതു അവരുടെ പണം മുഴുവനും അവരുടെ ആവശ്യത്തിനായി മാത്രം ചിലവാക്കത്തക്ക രീതിയിൽ അവയെ നിയന്ത്രിക്കണം.

MR. A. THANU PILLAI (*Trivandrum Rural*) : മെമ്പർ സംബന്ധിക്കുന്ന സംഘടനകൾ ഇങ്ങനെ നിയമം വേണമെന്നാവശ്യപ്പെട്ടിട്ടുണ്ടോ?

MR. P. S. MAHOMED (*Co-opted*) : അതു കൊണ്ടാണ് ഞാൻ ഇങ്ങനെ പറയുന്നതു. തൊഴിലാളികളുടെ പുരോഗമനത്തെ തടയത്തക്കവണ്ണമുള്ള സംഘടനകൾ എല്ലാ സന്ദർഭത്തിലും ഉണ്ടാകുമെന്നു ഞാൻ പറയുന്നില്ല. എന്നാൽ അങ്ങിനെയുള്ള സംഘടനകൾ വല്ലപ്പോഴുമെങ്കിലും ഉണ്ടാകാതിരിക്കത്തക്കവണ്ണം വേണ്ട നിബന്ധനകൾ ഈ ബില്ലിൽ ആവശ്യമാണ്.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P S. Mahomed.]

ഈ രാജ്യത്തെ നിലക്കു ഈ ബില്ലുകൊണ്ടു പ്രധാനമായുദ്ദേശി ക്കുന്നതു തൊഴിലാളികളും മുതലാളികളും സൌഹാർദപരമായി പെരുമാറത്തക്ക നിലയിലുള്ള ഒരന്തരീക്ഷമുണ്ടാക്കണമെന്നാണു്.

MR. N. E. VARUGHESE (*Tiruvalla I*) : I rise to a point of order. We are not discussing the general principles now.

DEPUTY PRESIDENT: While thanking Mr. Varughese for the good ness with which he pointed out that, I do not think that it is very necessary now.

MR. P. S. MAHOMED (*Co-opted*) : സംഘങ്ങളുടെ രജിസ്ട്രേഷൻ, കാര്യക്ഷമമായി കാര്യങ്ങൾ മുന്നോട്ടു കൊണ്ടു പോകുന്നതിനുദ്ദേശിക്കുന്നതാണെന്നു എനിക്കഭിപ്രായമുള്ളതുകൊണ്ടു ഞാൻ ഈ ഭേദഗതിയെ എതിർത്തുകൊള്ളുന്നു.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I rise to support the amendment. To me it appears that the whole opposition to this amendment is based on a misconception, a very unfortunate misconception. Let us see how the idea of labour legislation originated. The demand was made by the few existing organisations in the State. We should not ignore that fact. We heard a good deal about the way in which labour association funds are being mismanaged, labourers are being exploited, and so on. We must not forget the fact that these very associations against which these charges are being made, made a demand for labour legislation. So we may take it that when this Bill is passed into law these associations will get themselves registered in order that they may enjoy the benefit conferred upon them by this law. It is to provide facilities for these Trade Unions to get themselves registered in order so enjoy the benefits accruing therefrom that this Bill has been introduced. Let us not overlook that fact. There has not been a demand so far as I know for a law prohibiting the formation or the the working of the labour associations that are not registered. Let us pass this Bill. Let us see how the associations are working. Let us see whether labourers are being exploited. Let us see whether any trouble will arise if there is no compulsory registration. It will then be time for us to provide for compulsory registration. In the absence of such a demand I fail to see why we should confuse one demand with the other.

MR. P. C. KURIYAN (*Kottayam I*): May I ask whether labourers will get the benefits of this legislation if they are not registered ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, that is just what I say. The labour associations will naturally get themselves registered under the law and will then get the benefits that this Bill seeks to confer on them.

MR. P. C. KURIYAN (*Kottayam I*) : My question is whether without registering themselves they will get the benefits ?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum-Rural*): Such of them as desire to get the benefits of the law will get themselves registered. And such of them who do not want these benefits or who are not able to get themselves registered may not do so. After a time when associations find that registration is beneficial they will naturally get themselves registered. But the question now is whether we should penalise associations that are not registered. That is the only point for consideration now. To me it appears that a case has by no means been made out to prohibit a voluntary association of workmen being formed for common benefit without registration. The position has been made very difficult and rather delicate I should say by even the representative of labour advocating compulsory registration. I little thought, Sir, that difficulties would go to this length in respect of this Bill. (*Laughter.*) Of course everybody, both capitalist and labour representatives, advocated compulsory registration for the benefit of labourers. Now, Sir, are labourers after all so helpless? That is why I said the situation has not arisen in which the labourers ought to be protected to that length.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member when he expects that such a situation will arise?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I do not expect that such a situation will arise. What I said was that if such a situation arises then we will deal with it. The situation has not arisen now.

MR. K. R. ELENKATH (*Kalkulam I*): I want to put a question Without giving facilities for the Government to control the organisation how is it possible to know whether an unregistered Union will be benefited?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, that question is irrelevant, pointless, and meaningless.

DEPUTY PRESIDENT: The honourable member is not right in saying that the question is irrelevant and meaningless. That is a point for the chair to consider. Of course I understand the spirit in which the honourable member said that; he did not mean any reflection upon anybody. If he has any answer to give he may give that.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Since the question has been put, I will answer that. The question is how can we know that a society is not working well unless it is scrutinised according to law. My answer is that the majority of labour associations will get themselves registered if registration is found to be beneficial. There may be a few here and there who may not get themselves registered. In the case of those societies, if their members do not want registration, then nobody need trouble about them. If a large number of labour associations of that class are found to exist and the labourers are subjected to exploitation, a situation will arise for the legislature to intervene. If such a situation arises, we will then intervene. But, for the sake of a few associations here and there that do not get themselves registered, are we to provide for compulsory registration? Let them remain unregistered. Let me ask what we did in the case of Provident

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. Thanu Pillai.]

Insurance Societies. At first the legislature did not intervene. When a large number of societies came into being the legislature rightly intervened. In a similar manner let us see whether the necessity arises for the legislature to intervene.

MR. P. C. KURIYAN (*Kottayam I*): Is it the opinion of the member that the legislature should interfere only when there is a dead-lock?

DEPUTY PRESIDENT: That does not arise.

MR. A. THANU PILLAI (*Trivandrum-Rural*): When it is generally felt that a situation had arisen, then only the legislature should interfere The amendment of Mr. Kunjukrishna Pillai is necessary, and I think we can pass this Clause without those two sub-clauses. With these words, I support the amendment.

MR. N. E. VARUGHESE (*Tiruvalla I*): In supporting the amendment I wish to say a few words. The definition of the word "Trade Union" is very comprehensive and it covers a society formed with few men just for the purpose of ventilating their grievances. I quite agree with my friend Mr. Thanu Pillai that the time has not yet come to make such a legislation. Why should we be so very anxious, when there is no need for it? I am told that there are only very few associations of the kind in Travancore. We are not in the know of having come across *pseudo* associations having for their objects to conduct agitations in an undesirable manner. Unless there is strong proof that such associations are likely to do mischief no necessity for registration arises. Why we should go in for a legislation anticipating some difficulties I cannot understand. Every opportunity should be given to all the associations whether registered or not to ventilate their grievances.

(At this stage the President took the Chair).

Let us wait and see whether there are unnecessary and undesirable associations and then we will find out the necessity for providing a suitable provision. Whenever we pass a legislative measure we have to give our assent after examining both sides of the question. In this case also we have to look into the other side of the question. We should not see only the rich man's point of view and legislate for his benefit Opportunity should be given to the labourers to conduct their associations and to ventilate their grievances if any and thus enable them to get their remedies. It is very easy to say that you can form associations and register them. But registration requires money and what will the poor labourers do. Even for the formation of the associations they may not have enough money; they may have to appear before the Registrar and these are very difficult and expensive things for them. Unless we know that a large number of unregistered associations are working in the State and we are satisfied that their works should be controlled for the advancement of orderly trade and industry it will not be just and proper on the part of the legislature to introduce compulsion in the matter.

Hence I support the amendment.

MR. K. JANARDANA KAMATH (*Commerce and Industry, North*): I oppose the amendment and in doing so I wish to speak a few words as I represent commerce and industry and I feel bound to do so.

LIBRARY ARCHIVES Kerala Legislative Assembly

Well, whatever may be the arguments or reasons advanced by my friends in supporting the amendment, there can be no dispute regarding the fact that a corporate body or Union can work properly only in case there is some control or check on it. In the interest of members themselves of any Trade Union, it is desirable that the Union should be registered and that the registering authority is invested with the powers of supervision and control over the Unions.

If on the other hand perfect liberty is given to workmen and employers to form themselves into a Union at any moment and to dissolve the Union at any moment there will be wide scope for mismanagement of the Union affairs and misuse of Union funds. If registration of Trade Unions is made compulsory the Registrar will be able to control and supervise the management of their affairs and the use of Union funds.

In the interest of unions themselves and for a proper working I think registration of Trade Unions should be made compulsory and so I oppose the amendment.

MR. G. NILAKANTAN (*Nominated*): I support the amendment. In the first place in British India the Trade Unions Bill was passed in 1926. Though 12 years have elapsed, they have not thought it fit to amend the law making the registration compulsory. I do not see any reason why we should hasten to pass a law different from the British Indian Act. Mr. Thanu Pillai said that no case has been made out for compulsory registration of an association without seeing how it works. I agree with him.

The objection that has been raised by the supporters of compulsory registration of labour associations is that it will prevent Unions from misbehaving. I do not see why a Union organised for he good of the members should misbehave. The very object of the organisation is to work for the betterment of the labourers. Such associations are generally under the control of leaders who are usually men of character. It will be their duty to see that the associations work for the good of the members.

Associations are started for the spreading of ideas as to their rights and privileges among the labour population. As it is difficult to form an association in strict conformity with all the provisions of the Regulation, this object cannot be secured. Compulsory registration would also render it difficult to form associations with some of the objects enumerated in Section 15 of the Bill. With these words, I support the amendment.

MR. P. C. KURIYAN (*Kottayam I*): I oppose the amendment. The mover of the amendment advanced two sorts of arguments. One is that there is no such provision in British India and outside India. My friend Mr. Karunakaran who knows the conditions of labour both in the Continent and Dominions abroad has met that question to the satisfaction of all the members in this House and I hope that answer will satisfy the mover. So far as conditions of labour in British India are concerned our learned Deputy President has sufficiently answered the mover's objections. It is admitted on all hands that Travancore is a very enlightened country and it is in its onward progress. I can even say that our country takes the lead in important matters.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. C. Kuriyan.]

Trade Unions are associations formed for the purpose of bettering the lot of labourers. There are two parties to the labour legislation, namely, labourer and capitalist. The co-opted members who represent the cause of labour and capital are agreed that Trade Unions shall be registered bodies and I do not know for whom we are going to make a change. I think we need only incorporate provisions on which labour and capital are agreed. My friend Mr. Thanu Pillai in his summing up, stated that this Bill was brought at the instance of the labourers and so most of them will voluntarily come for registering their associations even without such a provision in the Bill. If that is so, is it not better to make a provision for compulsory registration? Why should we allow societies to grow to-day and disappear tomorrow? If by registration the labourers would be benefited why not make such a provision? Why should a man be allowed to have his own way? I cannot understand that. If labour and capital combine, it will have its effect on the industrialisation of the country.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether he realises that Trade Unions can be formed of employers?

MR. P. C. KURIYAN (*Kottayam I*): Yes. Then the question of individual liberty to which my friend Mr. Kunjukrishna Pillai referred remains. I think the objection of my friend is at best only a technical one, for all legislations involve some restriction on individual liberty. I think as society advances and new privileges are granted to us our responsibilities and obligations too increase correspondingly. If my friend seriously objected to the Bill on this ground he could have very well opposed the Bill instead of blowing hot and cold in the same breath. According to him he wants a Bill to provide for the registration of Trade Unions and at the same time to have provisions there in for the non-registration of the Trade Unions also. So to pass such a legislation will be like building a strong fortress and leaving one of the gates open for the enemy to enter.

Moreover in the case of labour, it is not a mere right to combine amongst them. Every combination amongst them is likely to affect the interest of the capitalist who has invested his money in the concern. With these words I support the amendment.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): Sir, I support this amendment. In doing so I do not deny that the amendment has been opposed by the representative of the labourers. He claims to have had long, intimate and practical knowledge of the working of the Labour Associations and with that background opposes the amendment before the House. Now, Sir, to me it is not a matter of expediency but a matter of principle. What is the object of this legislation? In the statement of objects and reasons it is stated that the essential object of this Bill is to safeguard the progress of industry in the State. To improve the condition of labour the right of combination is essential. But, Sir, this Bill as amended by the Select Committee has taken away a very valuable right as it makes all unregistered Trade Unions illegal and any person taking any part in any such Union liable to punishment. I ask what is the justification or

LIBRARY ARCHIVES Kerala Legislative Assembly

reason for the restriction or withdrawal of this existing right. I find absolutely no rhyme or reason for this. It has been asked what is the harm? The harm is that a fundamental right of a citizen is sought to be interfered with. I would ask the honourable member who put that question what harm would arise if the rule is extended in its application to other associations such as the Bar Associations. Would he approve of such a step? No, Sir. The question is not as to what harm will be done but what justification is there for interfering with a right now enjoyed by the citizens of the State. The right of association is an elementary right of citizenship and good grounds should be shown for taking it away. Therefore, I submit that, the argument that no harm would be done by restricting the existing right would not hold good. No argument has been advanced why this right should be taken away. We do not find a similar provision in the British Indian Labour Legislation. Why should we impose a restriction which is not found in British India, upon our labouring classes? We ought to lead in extending and not restricting their rights. (*Hear, hear.*) Travancore has never taken the lead in any retrograde or reactionary legislation. Therefore I say that there is no reason for including this provision in the Bill. I think the amendment is quite in order and I support it.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Sir, I support the amendment. The effect of registration of a Trade Union is that it gets a corporate existence. One of the beneficial results of registration is its immunity from criminal and civil liability in certain cases. No doubt there are some duties attached to the privileges conferred on these registered Trade Unions. But I do not see any reason why a Trade Union should be compelled to be registered even if it does not want any of the privileges of a registered Trade Union. You may not give any of the privileges to an unregistered Trade Union but why should it be compelled to take them even if they do not want it.

In the British Indian Act there is no provision for compulsory registration. It was said that compulsory registration is to benefit labour. Even in England, where the labour movement has advanced more than in any other country, there is no compulsory registration. In the Act of 1913 there is no provision for compulsory registration. There the Trade Union is not a creation of the statute. It existed under the common law and it still exists under it. The only difference there between the two is that the privileges of a registered Trade Union will not be given to the unregistered ones. But here we see the strange provision of compulsory registration. In British India when the similar enactment was discussed in the Legislative Assembly several of the non-official members tried to extend the immunities given to registered Trade Unions to unregistered ones. But strangely, we go the opposite way.

The main argument advanced by the honourable members who opposed the amendment is that it is more advantageous to the labourers.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. R. Sivaraman Nair.]

But I ask, Sir, who is to say that? Does not the labourer know what is best for him? Does he not know what is food and what is poison to him? Mr. S. J. Nair was reading from the labourers' only paper here, I mean the 'Thozhilali' that they do not want such a provision and that it is against their interests. Mr. Kunjukrishna Pillai was telling us that the labourers of Quilon in their annual meeting has passed a resolution that it is not to benefit them that the provision for compulsory registration is included in this Bill. Thus when the labourers say that they do not want such a provision and that it will not be beneficial to them, how can one here say "No, it is for your benefit. You do not know what is and what is not good for you". Anyhow Sir, I am not presumptuous enough to think like that. If the labourers do not want it, we shall not include it.

It was suggested here that the labourers do not know what is and what is not beneficial to them and that they are so ignorant that they may be led to any view their so called leaders choose. In short it was suggested that the views expressed in their paper and the resolution passed at Quilon need not be counted at all, for the ignorant labourers had been led to that by the writer of the article and the gentleman who presided over the meeting. Sir, I do not believe that. I do not believe that the labourers are so ignorant as to be led into anything. I do not believe that the labourers are so foolish as to be incapable of knowing what is good for them.

Sir, the Law Member said that registration will involve only little or no expense. He suggested also that there are now only a few Trade Unions and as such there will not be much hardship. Sir, this is not merely a question of expense or hardship alone. So far as the labourer is concerned it is a matter of right. Why should he be treated distinctly from others? Why should he not have the same rights and privileges as other people? If lawyers and doctors can have their own Unions without registration, why not the labourers? Why should their liberty alone be restricted? As I said before there is no such provision in British India. Are not our labourers more advanced in education and political consciousness than the labourers of British India? Then why should such a restriction be imposed here?

It was argued by some who opposed the amendment that there will be great mismanagement and misappropriation of Unions if Unions are not registered. There can be no mismanagement merely because the Union is not registered. If there are misappropriations there is the Penal Code. People who misappropriate can very well be proceeded under the Penal Code or the Criminal Procedure Code as the case may be. Can there be no case of misappropriation merely because a Union is registered? Are there not misappropriations in limited companies though there is the provision for annual audit? Are there not cases of misappropriation in the case of co-operative societies though there is the annual official audit? Sir, the argument that there will be misappropriation and mismanagement if Unions are not registered is on the face of it quite hollow.

LIBRARY ARCHIVES Kerala Legislative Assembly

Sir, another argument, advanced against the amendment was that if funds are left free in their hands they may squander it away. This argument is quite far fetched and untrue. They may commit mistakes but for that reason you may not tie their hands. Give them liberty. They will learn by experience.

Sir, the arguments urged against the amendment do not justify the imposition of compulsory registration on Trade Unions.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : I support the amendment. My friend Mr. M. L. Janardanan Pillai, at the beginning of his speech, said that Travancore is not an industrially advanced country and that attempts at legislations must be made very carefully. I stress that point in order to support this amendment. Sir, as we see, Travancore is not advanced in any industrial enterprises. We should see as many industrial organisations and labour employers' associations spring up as are possible and we should see that everything is done to the proper growth and development of industrial labour. Sir, if we adopt this provision, that is, Clause 14, it will prohibit the formation of labour associations and associations of a like nature. In this Clause it is stated that the existing Trade Unions are required only to get themselves registered after a period of three months. I ask why is that allowance given to the existing Trade Unions. Is it not necessary to give some period for labour associations which are to be formed in future? Is it not necessary that some period is allowed to them before registration? Is it not necessary to conduct these associations and to study their working and to learn whether they would continue or not? I ask, before this is done, is it fair, Sir, to compel the Unions to get themselves registered under this Regulation? I could have understood the position if a period of experiment has been given to the Trade Unions which are hereafter to be formed.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know from the member whether it is the maximum period fixed?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : Three months period is only given to the existing Trade Unions. My submission is that at least a period of three months ought to have been given to the Trade Unions which are to be formed after the Regulation from the date of their organization to the date of registration.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know from the member whether there is any objection that the existing Trade Unions should be given any time to get themselves registered?

MR. S. NILAKANTA PILLAI (*Chirayinkil II*) : Sir, what I was saying was that some time should be allowed for the associations which are to be formed hereafter. That is to say they must have sufficient time to come to the conclusion whether they should continue by getting themselves registered under the Regulation. If that has been granted I could have understood the purpose of the Clause. Now it stands without any meaning. Then, Sir, my honourable friend Mr. K. C.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. S. Nilakanta Pillai.]

Karunakaran referred to the statement of objects of this Bill and he said that it is only permissive. Sir, I also refer to the same which is as follows :—

> "The legal position of Trade Unions which do not register whatever it is will be unaffected by this measure. In other words, the measure is purely permissive. But in view of the important privileges and immunities conferred upon registered Trade Unions by this measure and in view of the disabilities under which unregistered Trade Unions may labour, all Trade Unions will find it to their advantage to register themselves under this measure in spite of certain obligations imposed upon them by reason of such registration."

Sir, by this it is seen that certain amenities have been granted by this legislation. If that be the case, the associations which are to be formed hereafter will of their own accord undertake registration. If that is the object of the Bill, why should Clause 14 be insisted. If amenities and privileges are made as attractive as possible, all associations will voluntarily take up registration. With these words I support the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I wish to draw the attention of the House to only one point. I do not wish to make an elaborate reply to the speeches made on my amendment. This is the definition of the word "Trade Unions" given in the Bill "Trade Union" means "any combination, whether temporary or permanent formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen or between employers and employers &c." The point that I wish to stress is that these Trade Unions can be associated for temporary purposes as well as permanent. I wish to stress the point that it may be an organisation for regulating the relation between workmen and workmen only. In Chapter III Clause 15 (*f*) it is stated as follows :—

> "allowances to members or their dependants on account of death, old age, sickness accidents or unemployment of such members".

Now let us turn to Clause 30 sub-clause (1) "Whoever in contravention of the provisions of Section 14, sub-section (2) forms any Trade Union or takes any part in the functions of any Trade Union shall for every such act be punishable with a fine which may extend to five hundred rupees." Suppose a Trade Union in contravention of the provisions of Section 14, sub-section (2), takes part in a religious function or ceremony or for the purpose of giving insurance facilities or in any such objects for which the Trade Union is formed. Sir, I ask in all seriousness whether by any stretch of imagination or reason could one think of asking these associations also to get themselves registered or else to punish them? They have nothing to do with trade disputes. Even then would you ask these associations to have the necessity of going through the formalities of registration? Sir, I want to know whether this House would like to penalise such Trade Unions. That is a point to be seriously considered. I consider that, when my honourable friend Mr. K. C. Karunakaran made a speech, which was being punctuated with the approval of the labour member, he made some statements which cannot be allowed to go unchallenged.

LIBRARY ARCHIVES Kerala Legislative Assembly

I challenge him Sir, to show any analogous enactment anywhere else in the world. Having gone through the enactments in England, I don't find any such provision there. The honourable member made a misstatement. I challenge the member to point out an analogous provision in any legislation in the world.

PRESIDENT: Order, Order.

MR. K. C. KARUNAKARAN (*Nominated*): I never said anything about the penal clause.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Another argument which was advanced by some of the members was that all this was for the good of labour. I think that it is for labour to judge what is good for them. As a matter of fact we must also realise that labour is not so backward in Travancore as to have such compulsory protection. Another argument which was put forward by the Law Member was that in Travancore there are very few Trade Unions working. In England Sir, in the year 1871 when Trade Union Law was first enacted there were only very few Trade Unions. The Trade Union Law was enacted and Trade Unions were formed, Sir, those who say that the Bill is very beneficial to labour, really condemn the Bill, when they insist on the provision for compulsory registration. Why should there be any compulsion if the Bill is so very beneficial? Why not they leave labour organisations to their free choice? With these words, I commend my amendment for the acceptance of the House.

Sir, the point that we have to note is that even in British India, till the year 1929, we find that only 87 Trade Unions were registered. There are real difficulties for the registration of a Union, which my revered friend did not take into consideration. For certain organisations it is really difficult to go through the formalities of this registration. In the big Continent of India till the year 1929, you find that it was possible to register only 87 Trade Unions. Yet there are other Trade Unions functioning and they are a majority. These have not been destroyed because there was no compulsion. When this is the case in British India there will be greater difficulties in Travancore for registration.

I asked my friend Mr. Karayalar, whether there is any recommendation that there should be a provision for compulsory registration made by the Royal Commission on Labour. He then said that the recommendations of the Commission were scattered throughout the report and that they are not collected together in the form of recommendations. That is not correct. It is wrong. The recommendations of the Royal Commission on Labour on Trade Unions are not 257 to 265. These are the recommendations by the Royal Commission on Labour. Not a word is said in this connection to the effect that for the benefit of labour compulsory registration must be insisted upon. I refer the member to Appendix I, page 518, wherein he will see the recommendations regarding Trade Unions. These are the recommendations and there is nothing in favour of compulsory registration. I commend my amendment for the acceptance of the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

The amendment was put to vote and lost.

MR K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES—18.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, A. S. Damodaran Asan
5 ,, S. J. Nair
6 ,, Pottayil S. Krishna Panickar
7 ,, Puthupalli S. Krishna Pillai
8 ,, K Kunjukrishna Pillai
9 ,, E K. Kunjuraman
10 Mr. P. C. Kuriyan
11 ,, G. Nilakantan
12 ,, S Nilakanta Pillai
13 ,, Edavanatt S. Padmanabha Menon
14 ,, Kainikkara M. Padmanabha Pillai
15 ,, Changanachery K. Parameswaran Pillai
16 ,, R Sivaraman Nair
17 ,, A. Thanu Pillai
18 Mr. N. E. Varughese

NOES—34.

1 Mr C. V. Chandrasekharan
2 ,, S. Chattanatha Karayalar
3 ,, A. Easwara Pillai (*Kalkulam II*)
4 ,, A. Easwara Pillai (*Kottarakara*)
5 ,, K. R. Elenkath
6 ,, K. George
7 ,, M. K. Janardana Kamath
8 ,, M. L. Janardhanan Pillai
9 ,, T. S. Jayantan Nambootiri
10 ,, N. John Joseph
11 ,, T. C. Joseph
12 ,, K. C. Karunakaran
13 ,, N. Kesava Panickar
14 ,, T. T. Kesavan Sastri
15 ,, T. Krishna Pillai
16 Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai
17 Mr. K. M. Kuriakose
18 Mr. C. O. Madhavan
19 ,, K. Mahomed
20 ,, P. S. Mahomed
21 ,, K. A. Narayana Pillai
22 ,, Pacode A. Narayana Pillai
23 Srimati T. Narayani Amma
24 Mr. K. Padmanabhan
25 ,, M. Govinda Pillai
26 ,, Kayalam Parameswaran Pillai
27 ,, R. Pitchu Aiyangar
28 ,, R. Raman Pillai
29 ,, Rao Bahadur A Rengaswami Aiyar
30 ,, P. K. Thomas
31 ,, K. Madhava Kurup
32 ,, John Whiteley Tolson
33 ,, G. B. E. Truscott
34 ,, T. P. Velayudhan Pillai

NEUTRALS—15.

1 Mr. P. Chidambaram Pillai
2 ,, Antony George
3 Miss Hepzhibah Gnanasikamony
4 ,, M. Mahomed Haneef
5 ,, K. M. Krishnan
6 ,, K. P. Krishna Menon
7 ,, N K. Krishna Pillai
8 Mr. K. Madhavan
9 ,, M. K. Madhavan Pillai
10 Rao Sahib S. Parmesvara Aiyar
11 Mr. V. Ramakrishna Panickar
12 ,, R. Sambasiva Aiyar
13 ,, M. Sivatanu Pillai
14 ,, S. Thiraviam Nadar
15 Mr. V. K. Velappan Nair

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT: For 18, against 34 and neutral 15. The amendment is lost.

Clause 14 was put to the vote of the House and carried.

The Clause was added to the Bill.

Clause 15.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move:—

"*In Clause 15, sub-clause (k), substitute the following for the present sub-clause* (k):—

"*Any other object not inconsistent with the objects laid down in the constitution of the Union*"

Sir, Clause 15 relates to the objects on which the general funds of a Trade Union may be spent. Sub-clause (*k*) says that Government have power to give some more objects to particular Unions subject to the conditions imposed by the Government. I want to take away from the Government the power to impose such conditions. I want an express provision in the Bill that funds may be utilised for any objects not inconsistent with any objects laid down in the constitution of the Union. We are not aware how and what things will weigh with the Government in imposing the conditions.

The Bill only defines the primary objects of the Trade Unions. Besides that there may be secondary objects I would have no prohibition or condition restricting any such secondary objects.

The English legislation makes no such restriction. That legislation makes it clear that a Trade Union besides its primary objects may have secondary objects. In England if a combination has, as its statutory objects other than statutory objects within the meaning of the Act, it shall not prevent the combination being a Trade Union under the Act. If that be so, why should there be a restriction here?

Suppose the members of a Union want to work for the promotion of art. They may start some group for painting and may want to promote art in the country. Another may want to establish a gymnacium for the physical culture of its members. Why should there be a restriction for such objects? Why should Government impose any conditions?

It may be said that a Trade Union in a moment of enthusiasm may spend away their whole funds. It is absolutely groundless. They may commit mistakes, but that is no reason why we should tie their hands.

I want to take away from the Government the power to notify any condition that they choose to impose.

(At this stage the Deputy President took the Chair.)

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I second the amendment. It is a very modest amendment and there is an indication in the recommendations of the Royal Commission on Labour, for enhancing the scope of the working of the Trade Unions. The Royal Commission have recommended the necessity for allowing Trade Unions the freedom to form co-operative societies and such other functions necessary for labour. I think there can be no serious objection to a change

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. Kunjukrishna Pillai.]

of this kind. Moreover there is the safeguard that money should not be spent for any objects inconsistent with the constitution of the Union. Under these circumstances, I think that this amendment should be accepted by this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose this amendment. Because the English Act has been quoted, I may mention that the provision in the Bill is exactly as the Indian Act. Section 15, of the Indian Trade Union Act reads thus:—

> "The general funds of a registered Trade Union shall not be spent on other subjects than the following, namely:—
> (a) the payment of salaries, allowance and expenses to officers of the Trade Union" and so on.

By legislation considerable privileges are given to Trade Unions, and it is the desire of the legislature, as I conceive it, that these Trade Unions should utilise their funds for proper purposes. If they want to study music or if they want a gymnasium they are at liberty to have it, but only they should not use the general Trade Union funds for it. They can even train men for fighting, we cannot object. But if the Trade Unions should be encouraged by legislature it is the duty of the legislature to see that their funds are utilised for proper legitimate purposes. I may say that Clause (*j*) gives some further scope. It reads thus:—

> (*j*) "The payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year".

Mr. Sivaraman Nair wants to give wider scope and proposes to add objects "not inconsistent with the object". This is very wide if not vague and such a power cannot be given to Trade Unions. Probably, it may be all right in places like England, where they know what is inconsistent and what is not. Here these Unions are set in the infancy stage, and we must try to educate them on proper Trade Union lines. Therefore it seems to me that the Clause as it stands is quite right. I oppose the amendment.

The amendment was puts to the vote of the House and lost.

The question that Clause 15 stand part of the Bill was then put to vote and carried.

The Clause was added to the Bill.

Clause 16.

The question that Clause 16 stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

LIBRARY ARCHIVES Kerala Legislative Assembly

Clause 17.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I move the following amendment.

In Clause 17, sub-clause (1), *lines* 3 *and* 4, *omit the words "to which a member of a Trade Union is a party."*

Sir, this Clause is the only beneficial provision in the whole Bill. It gives immunity to the actions of the Trade Unions or its agents or its members under certain circumstances. Under the Clause as it stands, if any act is done in furtherance of a trade dispute that will be immune. The immunity will extend also to a case where a member of a Trade Union is involved in a trade dispute It will not entitle members or officers of other Trade Unions to take part in the trade dispute and they will have no immunity. By my amendment I propose to include others also. Sir, labour as we know can succeed only if they stand united. Many of the labourers are without money and influence. They have not got sufficient strength to fight against big capitalists. If they want to win their case it will only be by means of Unions. The members and officers of a Trade Union will be able to act on behalf of the Trade Union and immunity against civil action will be given only to those persons. Suppose there are two Trade Unions in the same mill where two hundred coolies are working. If there is a trade dispute between one of the Trade Unions and the employer, the other Trade Union will not be able to take part in that act and no immunity will extend to those persons. Sir, we know that, as a matter of fact, the conditions of labour in one factory will be dependent very much upon the conditions of labour in another factory. The conditions of labour at Quilon will depend upon the conditions of labour at Alleppey. Suppose the wages of labourers in one mill in one place are reduced. Naturally the owner of the neighbouring mill will also reduce the wages in his mill.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): If both the mills at both the places reduce the wages at the same time what will be the position?

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): If both the mills in both the places reduce the wages, surely all can join. In that case there will be immunity to both the Trade Unions. But if there is only a dispute in one particular mill and the officer of another Union comes and joins it he will be liable. Immunity will not be extended to such people. I want that the immunity should be extended to such persons. Sir, it is vitally necessary for the promotion of Trade Unionism that all Trade Unions must co-operate with each other. If the Trade Unions are shut up in water tight compartments they will not be able to exert that influence which we want them to exert. Hence there must be sufficient provision to allow all their Unions to co-operate with one another in their trade disputs. Hence my amendment.

MR. P. S. MAHOMED (*Co-opted*): I second it.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): I oppose it. In my humble opinion this is a very mischievous principle. Immunity is provided for workmen who do certain acts in furtherance of a trade dispute to which a member of a Trade Union is a party. The acceptance

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. L. Janardhan Pillai.]

of the present amendment will mean that if there are two Trade Unions in a place and one Trade Union alone has got a legitimate grievance against an employer, the other Trade Union which has no such grievance can also join it and yet will be free from the consequences of such a combination. The framers of this Bill deliberately and carefully provided against such a contingency. I can understand one Trade Union having a complaint trying to get that remedied. But it is against all accepted canons of Trade Union principles that another Trade Union which has no grievance should join the other Trade Union in its dispute. I therefore oppose the amendment strongly.

MR. PUTHUPALLY S. KRISHNA PILLAI (*Quilon II*): Sir, I beg to support the amendment. In doing so I have to point out a very serious incongruity which would otherwise be contained in the enactment. No doubt, this provision as it stands has a virtue of its own, in that it is the same as the one found in the British Indian enactment. We have got the authority of British India for the continuance of this provision. Now, Sir, Trade Unions were claiming privileges for helping other Trade Unions in the cause of labour. For instance where a strike or walk-out is organised in one place, it is open to Trade Unions in other places to contribute funds or to help it in other ways. This House by enacting Clause 15 (*j*) has to some extent conceded this privilege. The privilege of interfering or helping other Trade Unions in other places has to some extent been recognised. If workmen in one locality find it necessary to help workmen in some other locality with funds, then the workmen in the former locality can contribute funds which will enable the latter to carry on the strike or to continue the agitation whenever a dispute takes place between the employer and the employed. When the strike commences the labourers may be without money. They will have to get funds from elsewhere. For that purpose, after considerable fight in the Indian Legislative Assembly, this provision was inserted. In the Assembly the fight was for greater power but the Assembly gave only a limited power. Under Clause 15 (*j*) one Trade Union is entitled to contribute funds to another Trade Union which is carrying on a strike, even though that Trade Union has absolutely nothing in common with the fight carried on by the other Trade Union. The only common link between these Trade Unions is that they exist for the preservation and maintenance of the rights and privileges of labour. The problems affecting these two institutions may be different. Nevertheless, as both these institutions exist for an identical purpose, the Clause allows for one-fourth of the gross income being contributed in the furtherance of labour. If that is allowed then immunity must be given to those Trade Unions even though they contribute only funds. If immunity is not granted then, it will mean that although a Trade Union can exercise all the powers conferred upon it under Clause 15, sub-clauses (*a*) to (*i*), it cannot exercise the power conferred under sub-clause (*j*) because if it contributes funds and creates trouble, it will not get immunity. Clause 17 (1) says that "no suit or other legal proceeding shall be maintainable in any civil court against any registered Trade Union or any officer or member thereof in respect of any act done

LIBRARY ARCHIVES Kerala Legislative Assembly

in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party." Immunity is granted only if an act is done in contemplation or furtherance of a trade dispute *to which a member of the Trade Union is a party*. That is a condition precedent for granting exemption. Now we are conferring powers upon Tsrade Unions and allowing them to spend money on other Trade Union for certain purposes. Then you must also enact the limits within which that may be done. Otherwise it will lead to an anomaly. This Clause does not appear to have been noticed at the time it was passed in British India. Now, my submission is that when you confer certain powers and privileges and legalise certain activities, then immunity will have to be given not only to a few but to the whole of the activities. Otherwise they will not be sufficiently protected. "Any act done" is what is protected. Contribution of funds to some other Unions is an act. You need not harangue the employers, but you can make a substantial money contribution. That is an act done. If no member of this Trade Union is a party to that dispute, what will follow? You do not get any exemption. You will be liable for having induced persons to activities in restraint of trade, business or employment. You will be liable for having interfered with the rights of some other person. My view is that Clause 15 (*j*) is inadequate. Clause 15 (*j*) read with Clause 17 (1) leads to an inconsistency. I cannot think that the legislature at any time thought that such an act should not be penalised. I therefore support this amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to support the amendment which contains a very sound principle which will be recognised by everybody. The amendment recognises the fact that has been now well-acknowledged throughout the world, namely, that labour organisations of all kinds should stand united and should have facilities for common action. When this matter was discussed in the Legislative Assembly, Sir R. K. Shanmukham Chetti who was then a member, gave a homely example in support of the facilities for giving the right of helping other Trade Uinons. He said that if you find your neighbour's house on fire you should not be compelled to keep quiet. You must have the right of extinguishing that fire not merely for the purpose of helping your neighbour but also in your own interests. The same principle will apply in the case of Trade Unions as well. If they do not act conjointly for the purpose of establishing their rights very little headway can be made in the cause of labour. If Trade Unionism and labour rights have been recognised in the world at present it is because of this facility. We find that there cannot be anything common between labour organisations in Britain and India. Yet they help each other and sympathise in each others difficulties. You find as a matter of fact that for every one of the activities for the furtherance of labour movement, sympathy is extended by other countries and the movement is fostered. Such a freedom for the purpose of conserving the interests of a particular section of society is only a natural and elementary right that is sought for. And this amendment seeks nothing more than that. If you recognise the principle that labour all over is one and united, then this amendment should be accepted.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose the amendment. First of all let me express my thanks to Mr. Knujukrishna Pillai for referring to the Indian Legislative Assembly in which, although a certain member tried for such an amendment, he did not succeed.

MR. A. THANU PILLAI (*Trivandrum—Rual*) : Since the member is thanking Mr. Kunjukrishna Pillai, is he supporting the amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I am thanking him because he drew the attention of this House to the proceedings of the Indian Legislative Assembly which vetoed such an amendment. The Indian Legislative Assembly knows its business very well, and it rejected that amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, is not the statement 'that the Indian Legislative Assembly knows its business' an aspersion on this Assembly?

DEPUTY PRESIDENT : If anybody says that A is an intelligent man, it does not mean that B is a fool. I think the words used by the Law Member are parliamentary.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, after saying that the Indian Assembly knows its business I was going to say that this House also knows its business and would therefore similarly reject the amendment.

Let me thank Mr. Puthupalli Krishna Pillai also for trying to point out that there is some incongruity or anomaly between this provision and Clause 15 (*j*). I wish however to tell the House that there is no such anomaly or incongruity. A careful perusal of Clause 17 will show that it refers to certain acts which ordinarily are offences or wrongs, such as an act that induces another person to break a contract of employment or again an interference with the business or trade of some other person. Clause 17 aims at permitting such acts. Now the amendment seeks to extend the protection. What the House has to consider is why should this protection be extended. The first condition to make an act not penal is that it must be in furtherance of some object of the Trade Union. Clause 15 (*j*) says that a Trade Union shall not contribute more than one-fourth of its income to certain purposes. Now what Clause 17 refers to does not refer to that but refers to two acts which would be offences. Contribution of funds is not an offence. Therefore there is no inconsistency between the two Clauses. The one deals with two acts which are offences and the other deals with what are not offences.

Clause 17 seeks to protect a person who does certain acts. The reason for this protection is that it is one of the privileges conferred on registrered Trade Unions. The question is why should this protection be extended to a person who does what is otherwise an illegal act, not for his own purpose but for another man's purpose.

LIBRARY ARCHIVES Kerala Legislative Assembly

DEPUTY PRESIDENT: The question before the House is —

In Clauses 17, sub-clause (1), lines 3 and 4, omit the words "to which a member of a Trade Union is a party'.

The amendment was put to the vote of the House and lost.

The question that Clause 17 stand part of the Bill was then put to vote and carried.

The Clause was added to the Bill.

Clauses 18, 19 and 20.

The question that Clauses 18, 19 and 20 do stand part of the Bill was then put to vote and carried.

The Clauses were added to the Bill.

Clause 21.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): I move the following amendment :—

In Clause 21, line 1, for the word "two-thirds" substitute the word "three-fourths".

Sir, this is the mandate I have from the Chamber of Commerce.

"As regards the percentage of non-members on the executive, Section 21 provides that not less than one—half of the Officers of every registered Trade Union should be persons actually engaged or employed in an industry with which the Trade Union is connected. Although this is the provision in the Indian Trade Unions Act also, considering the circumstances in Travancore, and the possibility of misusing the Trade Unions for political propaganda, we think that not less than 75 per cent of the total number of Officers should be persons actually employed in an industry with which a Trade Union is connected."

That is why I have moved this amendment. Earlier in the day the honourable member Mr. Kottur Kunjukrishna Pillai said that labour in Travancore is not so backward as to be guided by any outsider. That is exactly my position too. Labour in Travancore knows its interests very well. It has been sufficiently outspoken and noisy. It has its own organisation. This Bill provides to give them all the facilities that are required in furtherance of the cause they have at heart. If that is so, I cannot understand why three-fourths of the officers of the movement should not be their own people. I object to any outsider taking part in the working of Trade Unions. But there is a general feeling that after all some outsiders may be allowed to pilot the affairs of labourers in the early stages of their working. If the outsiders that come in are really useful and good people and if they really take care of the interests of labour it does not matter what the proportion is. One good leader helping and guiding a Trade Union is sufficient to help the labourers. But are there really useful people? No. They come there to serve their own ends, to use the Unions for their own purposes. Any number of leaders may come in and work for labourers and yet may not produce sufficient beneficial results. As I said, one good leader is good enough to better the movement. But in actual practice good leaders are not coming forward. There is no meaning merely in increasing the number of outsiders.

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. M. L. Janardanan Pillai.]

After all, Sir, the position appears to me to be this. The labourer may have his own grievances. He may have differences of opinion with his employer. It will be easier for the employers and labourers to come to an understanding between themselves. Each one will be able to understand the other's difficulties and there would be the spirit of give and take. All the world over whether it is in Trade Unions or in other walks of life or in political agitations, it is found that it is always the outsider who has no interest at stake that comes in and creates all unnecessary trouble. Even when there is an honest effort on the part of an employer and employee to effect a compromise, the outsider interferes in the matter and upsets the whole arrangement. All that is due to the fact that it is not a paying proposition to the outsider to get things amicably settled. The longer the dispute is carried on, the better it is for the outsider who is neither a labourer nor an employer. I will support my position by reading out a relevant passage from Whitley Commission Report:

Page 328.

"A few of these (leaders) have interested themselves in the movement in order to secure private and personal ends".

DEPUTY PRESIDENT: Will the member please read that once more? There a statement is made that *some* of them have interested themselves——

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it open to the honourable member to read a portion of the passage and misrepresent facts?

DEPUTY PESIDENT: I cannot ask the member to read out the passage that the other members want.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is it fair and proper to read out part of a sentence and make the House understand in a different way? Will the member please read the next sentence below that?

DEPUTY PRESIDENT: The member is quite within his rights to read out passages relevant for his purpose.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): But, is it fair I ask—

DEPUTY PRESIDENT: If he refuses to read any particular passage—

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): But can the member give a wrong impression to the House? Is it fair I ask?

DEPUTY PRESIDENT: The House has to take its chances. It is open to the member to read or not.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is it fair, Sir?

DEPUTY PRESIDENT: I do not think it is necessary for me to express an opinion on that. But a member is entitled to read a particular passage to support his view.

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. A. THANU PILLAI (*Trivandrum-Rural*) : On a point of order. Can the member read a passage which the other members do not want and yet draw an adverse inference ?

DEPUTY PRESIDENT : It is no point of order.

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : At the same time, as many of the present leaders would be the first to recognise, the man drawn from outside the world of labour is handicapped in more than one direction. He has seldom a complete knowledge of the technical details of the industry to which his work is related, and cannot hope to meet the employer on equal terms in this respect.

Therefore, I say, when there are sufficient safeguards for the interests of labour, when a labourer feels aggrieved and the employer finds a chance of compromising the trouble, my practical experience is that the outsider comes in and interferes and sees that the employee is kept away from the employer. The outsider makes matters so hard for these two sets of people that to arrive at an amicable understanding is an impossibility. It is therefore that I move this amendment.

One more point and I have done. Mr. Kunjukrishna Pillai said that labour in Travancore is not backward as not to know its real interests. When this Bill was taken up, representatives of labour wrote leading articles in the newspapers and distributed them even among members. The labour representative is here. He is watching the progress of this Bill. He is doing all that is needed to safeguard the interests of labour.

DEPUTY PRESIDENT : Where is the representative ?

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : In the gallery, Sir.

DEPUTY PRESIDENT : We are not concerned with persons in the gallery.

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : Apart from that, Travancore labour is well represented in the existing Trade Unions of the country. A Union though not registered under any Regulation, has its own newspaper, has as its members a number of men who are well educated, who as I said on a former occasion can compose excellent poetry in Malayalam and even deliver lectures—if such a Union can take care of itself, why not keep it out of the clutches of outsiders and thus see that no unnecessary trouble is caused to the organisation itself, and that no trouble is created between the employer and the employee. With these words I commend my amendment for the consideration of this House.

MR. K. C. KARUNAKARAN (*Nominated*) : I support the amendment.

MR. P. S. MAHOMED (*Co-opted*) : ഇന്നത്തെ തൊഴിലാളികൾ മി. ജനാർദ്ദനൻപിള്ള പറഞ്ഞതുപോലെ ഒരു നല്ല നിലയിൽ എത്തീട്ടു ണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. തൊഴിലാളികളുടെമേൽ മുതലാളി മാക്ക് വേണ്ടിടത്തോളം സ്വാധീനശക്തിയുണ്ട്. തൊഴിലാളികൾക്ക്

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. P. S. Mahomed.]

അവരെസംബന്ധിച്ച പല സംഗതികളും മുതലാളിമാരോട് പറയാനുണ്ടെങ്കിലും അതിനുള്ള ധൈര്യം ഇന്ന് അവക്കില്ല. റായൽ കമ്മീഷൻ റിപ്പോർട്ടിലെ ചില ഭാഗങ്ങൾ മി. ജനാർദ്ദനൻപിള്ള ഇവിടെ വായിച്ച് കേൾപ്പിച്ചു. അത് അവിടവിടെയുള്ള ചില ഭാഗങ്ങളാണ്. വായിച്ച് കേൾപ്പിച്ച ഭാഗത്തിന് അടുത്ത് വേറെ വിധത്തിലാണ് പറഞ്ഞിരിക്കുന്നത്.

MR. P. C. KURIYAN (*Kottayam I*) : മി. ജനാർദ്ദനൻപിള്ള അവതരിപ്പിച്ച ഭേദഗതിയിൽ ഔട്ട് സൈഡേർസ് ആരും ഇല്ലെന്നുണ്ടോ?

MR. P. S. MAHOMED (*Co-opted*) : മി. ജനാർദ്ദനൻപിള്ള പറഞ്ഞ ആർഗിമെൻറിനു മറുപടി പറഞ്ഞിട്ടു അതിനെപ്പറ്റി പറയാം.

ഔട്ട്സൈഡേർസ് എന്ന നിലക്കു കുറെപേർ ഉണ്ടായിരിക്കണമെന്നാണു റിപ്പോർട്ടിൽ പറഞ്ഞിരിക്കുന്നത്. എത്ര വേണമെന്നുള്ളതിനെപ്പറ്റിയാണ് പിന്നീട് ആലോചിക്കേണ്ടത്. മി. ജനാർദ്ദനൻപിള്ളയുടെ ഭേദഗതിപ്രകാരം തൊഴിലാളികൾ മൂന്ന് വേണമെന്നാണ്. വിറ്റിലിക്കമ്മീഷൻ റിപ്പോർട്ടിൽ ൨/൩ ഭാഗം വേണമെന്നു പറയുന്നു.

DEPUTY PRESIDENT: The House will now adjourn to meet again on Monday at 11 o'clock.

The House adjourned at 5-2 P. M.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Mulam Assembly.

LIBRARY ARCHIVES Kerala Legislative Assembly